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# PENNSYLVANIA BULLETIN

Volume 38

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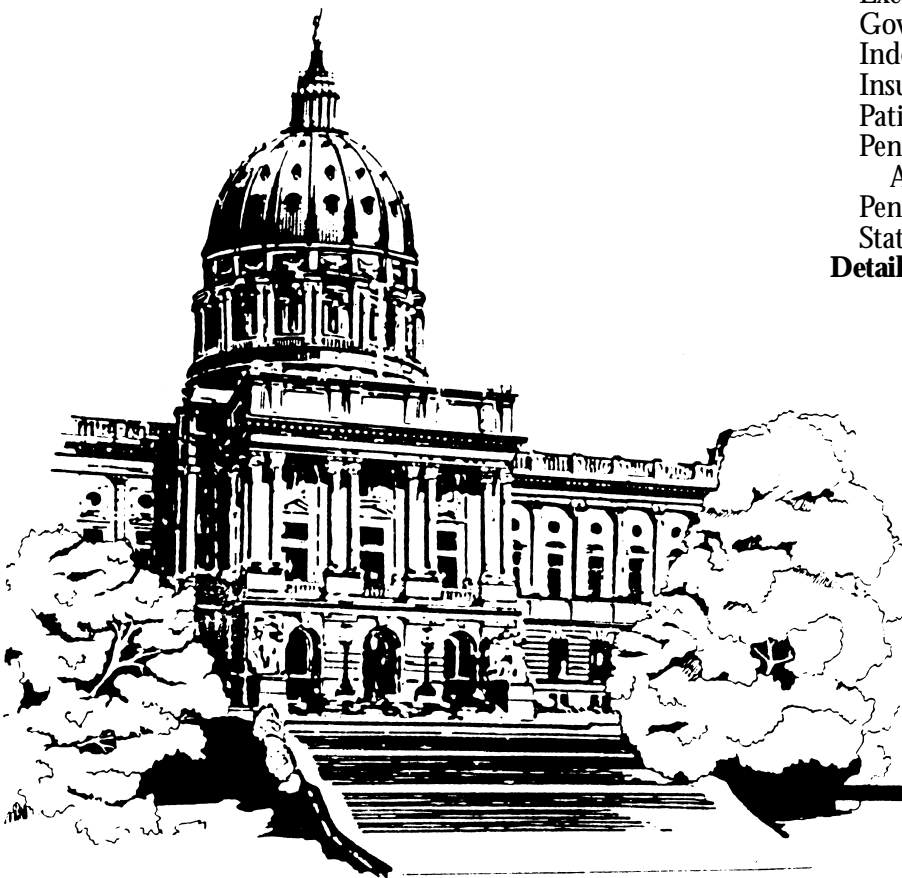
Saturday, June 21, 2008 • Harrisburg, PA

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**Latest Pennsylvania Code Reporter  
(Master Transmittal Sheet):**

**No. 403, June 2008**

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# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## ***Pennsylvania Bulletin***

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

## **Adoption, Amendment or Repeal of Regulations**

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

*Bulletin* before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

## **Citation to the *Pennsylvania Bulletin***

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

## ***Pennsylvania Code***

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

## **How to Find Documents**

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

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Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [ ] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

### Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2008.

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# THE COURTS

## Title 210—APPELLATE PROCEDURE

[ 210 PA. CODE CH. 21 ]

Order Adopting Amendments to Pa.R.A.P. 2111;  
No. 188 Appellate Procedural Rules; Doc. No. 1

### Order

*Per Curiam:*

And Now, this 5th day of June, 2008, upon the recommendation of the Appellate Court Procedural Rules Committee, it having been determined that the proposed amendment does not need to be published as it is perfunctory in nature and immediate action is otherwise required in the interest of justice pursuant to Pa.R.J.A. 103(a)(3):

*It Is Ordered*, pursuant to Article V, Section 10 of the Constitution of Pennsylvania, that Pennsylvania Rule of Appellate Procedure 2111 is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b), shall be effective 30 days after adoption, and shall be applicable to briefs filed after the effective date.

### Annex A

#### TITLE 210. APPELLATE PROCEDURE

#### PART I. RULES OF APPELLATE PROCEDURE

#### CHAPTER 21. BRIEFS AND REPRODUCED RECORD

#### CONTENT OF BRIEFS

#### Rule 2111. Brief of the Appellant.

(a) *General rule.*—The brief of the appellant, except as otherwise prescribed by these rules, shall consist of the following matters, separately and distinctly entitled and in the following order:

\* \* \* \* \*

(7) **Statement of the reasons to allow an appeal to challenge the discretionary aspects of a sentence, if applicable.**

[ (7) ] (8) Argument for appellant.

[ (8) ] (9) A short conclusion stating the precise relief sought.

[ (9) ] (10) The opinions and pleadings specified in Subdivisions (b) and (c) of this rule.

[ (10) ] (11) In the Superior Court, a copy of the statement of errors complained of on appeal, filed with the trial court pursuant to Rule 1925(b), or an averment that no order requiring a statement of errors complained of on appeal pursuant to Pa.R.A.P. 1925(b) was entered.

\* \* \* \* \*

*Official Note:* The 1999 amendment requires a statement of the scope and standard of review. “ ‘Scope of review’ refers to ‘the confines within which an appellate court must conduct its examination.’ (Citation omitted.) In other words, it refers to the matters (or ‘what’) the appellate court is permitted to examine. In contrast,

‘standard of review’ refers to the manner in which (or ‘how’) that examination is conducted.” *Morrison v. Commonwealth, Dept. of Public Welfare*, 538 Pa. 122, 131, 646 A.2d 565, 570 (1994). This amendment incorporates the prior practice of the Superior Court pursuant to Pa.R.A.P. 3518 which required such statements. Accordingly, Rule 3518 has been rescinded as its requirement is now subsumed under paragraph (a)(2) of this Rule.

**Pa.R.A.P. 2119(f) requires a separate statement of reasons that an appellate court should allow an appeal to challenge the discretionary aspects of a sentence. The 2008 amendments recognize that, while Pa.R.A.P. 2119(f) does not apply to all appeals, an appellant must include the reasons for allowance of appeal as a separate enumerated section immediately before the Argument section if he or she desires to challenge the discretionary aspects of a sentence.**

[Pa.B. Doc. No. 08-1138. Filed for public inspection June 20, 2008, 9:00 a.m.]

## Title 246—MINOR COURT CIVIL RULES

### PART I. GENERAL

[ 246 PA. CODE CH. 500 ]

Amendment of Note to Rule 509 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges; No. 244 Magisterial Rules; Doc. No. 1

### Order

*Per Curiam:*

And Now, this 9th day of June, 2008, upon recommendation of the Minor Court Rules Committee, the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interest of justice and efficient administration, and a Final Report to be published with this *Order*:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the Note to Rule 509 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges be, and hereby is, amended to read as follows.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective immediately.

### Annex A

#### TITLE 246. MINOR COURT CIVIL RULES

#### PART I. GENERAL

#### CHAPTER 500. ACTIONS FOR THE RECOVERY OF POSSESSION OF REAL PROPERTY

#### Rule 509. Amendments to Complaint.

\* \* \* \* \*

**Official Note:** This rule is the same as Rule 316 of the [ trespass and assumpsit ] civil rules.

Adopted Oct. 15, 1969, effective Jan. 1, 1970. Amended June 30, 1982, effective 30 days after July 17, 1982. **Adopted June 9, 2008, immediately effective.**

### FINAL REPORT<sup>1</sup>

#### ***Amendment to the Note to Rule 509 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District***

On June 9, 2008, effective immediately, upon recommendation of the Minor Court Rules Committee,<sup>2</sup> the Supreme Court of Pennsylvania approved an amendment to the Note to Rule 509 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges.<sup>3</sup>

#### *I. Background*

On its own initiative, the Minor Court Rules Committee (the Committee) recommended a change to the Note to Rule 509. The current language provides: "This rule is the same as Rule 316 of the *trespass and assumpsit* rules." (emphasis added).

The Note to Rule 301 explains that the outdated terms "trespass" and "assumpsit" were replaced by a more universal and modern phrase—"civil action." ("Civil action includes actions formerly denominated 'assumpsit' or 'trespass.'") Since "civil action" replaced "assumpsit" and "trespass," the Committee has routinely recommended that the Court replace the older terms wherever they appear and substitute the more modern phrase.

#### *II. Approved Rule Change*

Accordingly, the Committee proposed that the Note to Rule 509 be amended to delete the words "trespass" and "assumpsit" and replace them with "civil."

The Committee believes this amendment to be of a perfunctory nature. Therefore, the Committee respectfully recommended that the Court adopt this recommendation in accordance with Pa.R.J.A. No. 103(a)(3), without prior publication for public comment.

[Pa.B. Doc. No. 08-1139. Filed for public inspection June 20, 2008, 9:00 a.m.]

### PART I. GENERAL

#### [ 246 PA. CODE CH. 400 ]

**Order Amending Rules 410, 412 and 418 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges; No. 245 Magisterial Rules; Doc. No. 1**

#### **Order**

*Per Curiam:*

And Now, this 9th day of June, 2008, upon the recommendation of the Minor Court Rules Committee; the proposal having been published before adoption at Volume 35, *Pennsylvania Bulletin*, page 245 (January 8, 2005), and a Final Report to be published with this Order:

<sup>1</sup> The Committee's Final Report should not be confused with the Notes to the Rules. Also, the Supreme Court of Pennsylvania does not adopt the Committee's Notes or the contents of the explanatory Final Report.

<sup>2</sup> Minor Court Rules Committee Recommendation 6-2008.

<sup>3</sup> Supreme Court of Pennsylvania Order No. 244, Magisterial Docket No. 1 (June 9, 2008).

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pa.R.C.P.M.D.J. Nos. 410, 412 and 418 be, and hereby are, amended to read as follows.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective January 1, 2009.

#### **Annex A**

### **TITLE 246. MINOR COURT CIVIL RULES**

#### **PART I. GENERAL**

#### **CHAPTER 400. ENFORCEMENT OF JUDGMENTS RENDERED BY MAGISTERIAL DISTRICT JUDGES FOR THE PAYMENT OF MONEY**

Rule 410. [ **Bond for** ] Stay of Execution **Generally.**

(A) Execution shall be stayed as to the property of the defendant upon the occurrence of any of the following:

(1) Upon written request of the plaintiff to the magisterial district court.

(2) Upon the entry of [ **If the defendant, or any person or party in interest, enters** ] a bond with the magisterial district [ **judge** ] court by any person or party in interest, with security approved by [ **him** ] the magisterial district judge, in the amount of the plaintiff's judgment, including probable interest and costs, or in such lesser amount as the magisterial district judge may direct, [ **the magisterial district judge shall stay execution as to the property of the defendant. The bond shall name** ] naming the Commonwealth of Pennsylvania as the obligee, and [ **shall be** ] conditioned to pay the amount due within [ **ninety (90)** ] 90 days of the entry of the bond, unless the time for payment is extended by the magisterial district judge. [ **This rule does not apply to judgments obtained for wages for manual labor.** ]

(B) When execution is stayed pursuant to this rule, the stay may not be lifted without written order of the magisterial district judge.

(C) After a stay is lifted, execution may proceed without reissuance of the order of execution.

*Official Note:* Compare Pa.R.C.P. No. 3121(a) [ (2) ]. Other rules in this chapter may also provide for a stay in specific circumstances covered by those rules.

#### **Rule 412. Notice of Sale.**

[ **A.** ] (A)(1) The executing officer shall give notice of the sale of personal property at least six days prior to the sale [ **by handbills posted in the office of the magisterial district judge from which the order of execution issued, at the place of sale and, if different from the place of sale, at the place of levy and by mailing a copy of the handbill to the defendant at his last known address and to the plaintiff** ].

(2) The executing officer shall give notice of the sale in the following manner:

(a) By handbill posted in the magisterial district court from which the order of execution issued and, if different from the court from which the order issued, in the magisterial district court in the magisterial district in which the place of the sale is located.

(b) By handbill posted at the place of sale and, if different from the place of sale, at the place of levy.

(c) By mailing a copy of the handbill to the plaintiff and to the defendant at his or her last known address.

[ B. ] (B) The notice of sale shall include a notice that all claims to the property must be filed before sale in the [ office of the ] magisterial district [ judge ] court from which the order of execution issued and that all claims to the proceeds must be filed in that [ office ] court before distribution; that a proposed schedule of distribution will be filed in that [ office ] court on a date specified not later than five [ (5) ] days after the sale; and that distribution will be made in accordance with the proposed schedule unless exceptions are filed in that court within ten [ (10) ] days thereafter. No further notice of the filing of the schedule of distribution need be given.

[ C. ] (C) If a new date for sale is set, new notice shall be given as prescribed in [ subdivisions A and B ] paragraphs (A) and (B) of this rule.

*Official Note.* Compare Pa.R.C.P. No. 3128. See **Section 8151** of the Judicial Code, [ § 8151, ] 42 Pa.C.S. § 8151, [ added by § 10(96) of the Judiciary Act Repealer Act, Act of April 28, 1978, P. L. 202, No. 53, ] as to giving notice to the Department of Revenue [ , at least twenty days prior to sale, a report or return concerning the property to be sold, unless exempted by regulation ].

**Rule 418. Abandonment of Levy for Inability to Hold Sale.**

[ The ] (A) Except as otherwise provided in paragraph (B), the officer executing the order shall abandon the levy if sale of the property levied upon is not held within [ six (6) ] three months after the levy.

(B) Periods during which sale is stayed under any provision of these rules shall be excluded in computing [ such six months ] the three month period provided in paragraph (A), but in all cases the officer executing the order shall abandon the levy if sale of the property levied upon is not held within six months.

*Official Note.* Compare Pa.R.C.P. No. 3120(2). This rule requires the executing officer to abandon the levy if sale is not held within [ six ] three months, [ with the exclusion mentioned, instead of merely permitting him to do so as under the cited rule ] excluding time periods when the execution may be stayed, but in all cases the levy must be abandoned if the sale is not held within six months of the levy. It was considered that the particular execution proceedings should terminate under these circumstances.

**FINAL REPORT<sup>1</sup>**

**Amendments to Pa.R.C.P.M.D.J. Nos. 410, 412 and 418**

**TECHNICAL AMENDMENTS CONCERNING  
EXECUTION OF JUDGMENTS FOR MONEY; STAY OF  
EXECUTION; ABANDONMENT OF LEVY**

**I. Introduction**

On June 9, 2008, effective January 1, 2009, upon recommendation of the Minor Court Rules Committee,<sup>2</sup> the Supreme Court of Pennsylvania approved amendments to Rules 410, 412 and 418 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges.<sup>3</sup>

**II. Discussion and Rule Changes**

The Minor Court Rules Committee ("the Committee") proposed technical amendments to Rules 410, 412, and 418 of the Rules of Conduct, Office Standards, and Civil Procedure for Magisterial District Judges to address three separate issues concerning the execution of judgments for money.

**A. Rules 410 and 418**

The Committee reviewed Pa.R.C.P.M.D.J. No. 410 in response to an inquiry from a constable who asked if execution of a money judgment could be stayed upon request of the plaintiff. The Committee noted that the magisterial district court rules governing execution of money judgments do make provision for a stay of execution in certain circumstances,<sup>4</sup> but not specifically at the request of the plaintiff. The Committee further noted that the Rules of Civil Procedure governing actions in the courts of record do provide for a stay of execution "upon written direction of the plaintiff."<sup>5</sup>

The Committee believed it advisable to incorporate a provision into the magisterial district court rules to allow for stay upon request of the plaintiff. The Committee reasoned that post-judgment settlement negotiations may affect a plaintiff's desire to move forward with execution once commenced, and believed that a plaintiff should have the ability to request a stay of execution. This proposed rule would differ from Pa.R.C.P. No. 3121(a)(1) in that it would provide for a stay of execution upon written request of the plaintiff to the magisterial district judge. The requirement that the plaintiff make the request to the court would enable the magisterial district judge to make a judicial determination as to whether the stay should be granted and provide more certainty as to when the stay takes effect.

Accordingly, the Committee proposed that Rule 410 be amended to provide for the stay of execution upon written request of the plaintiff to the magisterial district court. To accomplish this, the Committee proposed that Rule 410 be tabulated into three paragraphs. Paragraph (A) contains the provisions as to when execution shall be stayed, including the new provision regarding a stay at the request of the plaintiff. Within paragraph (A), the Committee proposed that the provision regarding the inapplicability of the rule to judgments obtained for wages for

<sup>1</sup> The Committee's Final Report should not be confused with the Notes to the Rules. Also, the Supreme Court of Pennsylvania does not adopt the Committee's Notes or the contents of the explanatory Final Report.

<sup>2</sup> Minor Court Rules Committee Recommendation 2-2006.

<sup>3</sup> Supreme Court of Pennsylvania Order No. 245, Magisterial Docket No. 1 (June 9, 2008).

<sup>4</sup> See Pa.R.C.P.M.D.J. No. 410 (providing for stay of execution upon entry of bond), Pa.R.C.P.M.D.J. No. 413 (providing for stay of sale of property because of objection to levy or other property claim), and Pa.R.C.P.M.D.J. No. 420 (providing for relief in cases of property claims and disputes).

<sup>5</sup> Pa.R.C.P. No. 3121(a)(1).

manual labor be deleted. This provision was based on a prior law<sup>6</sup> that was repealed by the Judiciary Act Repealer Act,<sup>7</sup> and was not expressly codified in the Judicial Code (Title 42, Pennsylvania Consolidated Statutes).

New paragraphs (B) and (C) have been added to Rule 410 to provide that when execution is stayed under the rule the stay may not be lifted without written order of the magisterial district judge, and that when a stay is lifted execution may proceed without reissuance of the order of execution.

In the course of reviewing the Rule 410 stay provisions, the Committee reviewed the provisions in Rule 418 regarding the abandonment of a levy for inability to hold a sale. The existing rule provides that the levy shall be abandoned if a sale is not held within six months. The Committee was concerned, however, with the existing provision in the rule that periods during which the sale is stayed are excluded from the six month period. Specifically, the Committee was concerned that under the current provisions of the rule property could be subject to levy *ad infinitum* so long as a stay was issued and not lifted. This, of course, could impose a tremendous burden on the judgment debtor whose property is subject to the levy. The Committee noted that this situation could arise more easily if execution could be stayed simply by a request of the plaintiff as was proposed under Rule 410.

To address this problem, the Committee proposed that Rule 418 be divided into two paragraphs. New paragraph (A) provides that as a general rule the levy shall be abandoned if a sale is not held within three months. New paragraph (B) still excludes from the three-month period time during which the sale is stayed, but in all cases the executing officer would be required to abandon a levy if a sale is not held within six months. This new provision is intended put limits on the amount of time property can be subject to levy, and to enable the magisterial district judge to have more control over the length of time a stay is in effect.

#### B. Rule 412

The Committee reviewed Pa.R.C.P.M.D.J. No. 412 in response to an inquiry from a constable who suggested that an executing officer be required to post notice of a sale in the magisterial district court in the magisterial district in which the place of sale is located if different

from the court from which the order of execution issued.<sup>8</sup> It was suggested that this requirement would aid in informing an executing officer of other levies that may have been made upon the same property that is the subject of his or her levy and sale. This information is needed so that an executing officer will know if there is an existing levy by another executing officer that has priority over his or her levy.

The Committee agreed that such a notice requirement would be helpful. Accordingly, the Committee divided Rule 412A into two paragraphs. Paragraph (A)(1) contains the existing provision that notice of the sale be given at least six days prior to the sale. Paragraph (A)(2) contains the requirements as to how notice is to be given, including the new provision discussed above.

In addition, the Committee made other minor revisions to the rules and Notes to address gender neutrality issues and to enhance clarity.

[Pa.B. Doc. No. 08-1140. Filed for public inspection June 20, 2008, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

Notice is hereby given that on June 5, 2008, under Rule 214(d)(2), Pa.R.D.E., the Supreme Court of Pennsylvania ordered that Reginald D. Greene be placed on temporary suspension from the practice of law, effective July 5, 2008. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,

*Secretary*

*The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 08-1141. Filed for public inspection June 20, 2008, 9:00 a.m.]

<sup>6</sup> The Act of May 14, 1874, P. L. 145, No. 79, § 1, 12 P. S. § 2207.

<sup>7</sup> The Act of April 28, 1978, P. L. 202, No. 53, § 2, 42 Pa.C.S. § 20002(a) [640] as affected by the Act of Oct. 5, 1980, P. L. 693, No. 142, § 324(b).

<sup>8</sup> Rule 412 already requires the posting of a handbill in the magisterial district court from which the order of execution issued. This rule change does not change that requirement, but requires that the notice be posted in a second magisterial district court if the place of sale is located in a different magisterial district.

# PROPOSED RULEMAKING

## INSURANCE DEPARTMENT

### Education and Training for Applicants and Insurance Producers

The Insurance Department (Department) is soliciting comments on a proposed regulation concerning the education and training of applicants and insurance producers. The proposed regulation should be of interest to all insurance producers and applicants to obtain an insurance license. The proposed rulemaking also contains new provisions for the sale of Long-Term Care Insurance and Flood Insurance. For these reasons the Department wishes to obtain comments from interested parties before proceeding with a formal rulemaking proposal.

A copy of the draft proposed regulations is available from the Bureau of Administration at 1326 Strawberry Square, Harrisburg, PA 17120. Requests for the draft must be received by July 11, 2008. Written comments on the draft proposed regulations must be received by July 25, 2008. Comments or requests for copies should be addressed or delivered to Peter J. Salvatore, Regulatory Coordinator, Bureau of Administration, Harrisburg, PA 17120. The draft proposed regulations are also available electronically through the Department's web site [www.ins.state.pa.us/ins/cwp/view.asp?a=1282&q=525010](http://www.ins.state.pa.us/ins/cwp/view.asp?a=1282&q=525010). Comments may be transmitted electronically to [psalvatore@state.pa.us](mailto:psalvatore@state.pa.us), and must also be received by July 25, 2008. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgement of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-1142. Filed for public inspection June 20, 2008, 9:00 a.m.]

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# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [ 4 PA. CODE CH. 9 ]

#### Reorganization of the Department of Conservation and Natural Resources

The Executive Board approved a reorganization of the Department of Conservation and Natural Resources effective June 6, 2008.

The organization chart at 38 Pa.B. 3361 (June 21, 2008) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of code).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 08-1143. Filed for public inspection June 20, 2008, 9:00 a.m.]

### PART II. EXECUTIVE BOARD

#### [ 4 PA. CODE CH. 9 ]

#### Reorganization of the Pennsylvania State Police

The Executive Board approved a reorganization of the Pennsylvania State Police effective June 4, 2008.

The organization chart at 38 Pa.B. 3362 (June 21, 2008) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of code).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 08-1144. Filed for public inspection June 20, 2008, 9:00 a.m.]

### PART II. EXECUTIVE BOARD

#### [ 4 PA. CODE CH. 9 ]

#### Reorganization of the Department of State

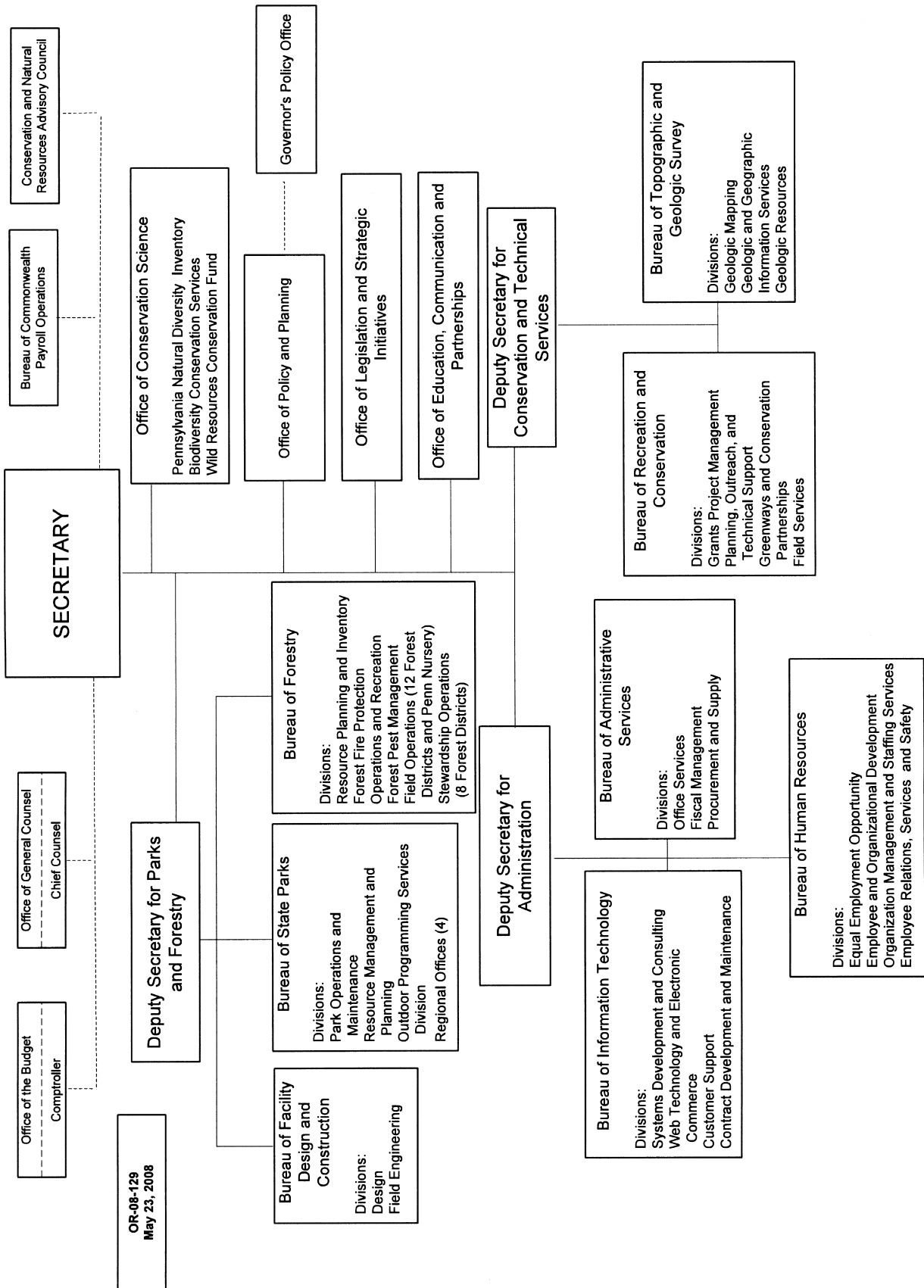
The Executive Board approved a reorganization of the Department of State effective June 4, 2008.

The organization chart at 38 Pa.B. 3363 (June 21, 2008) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of code).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

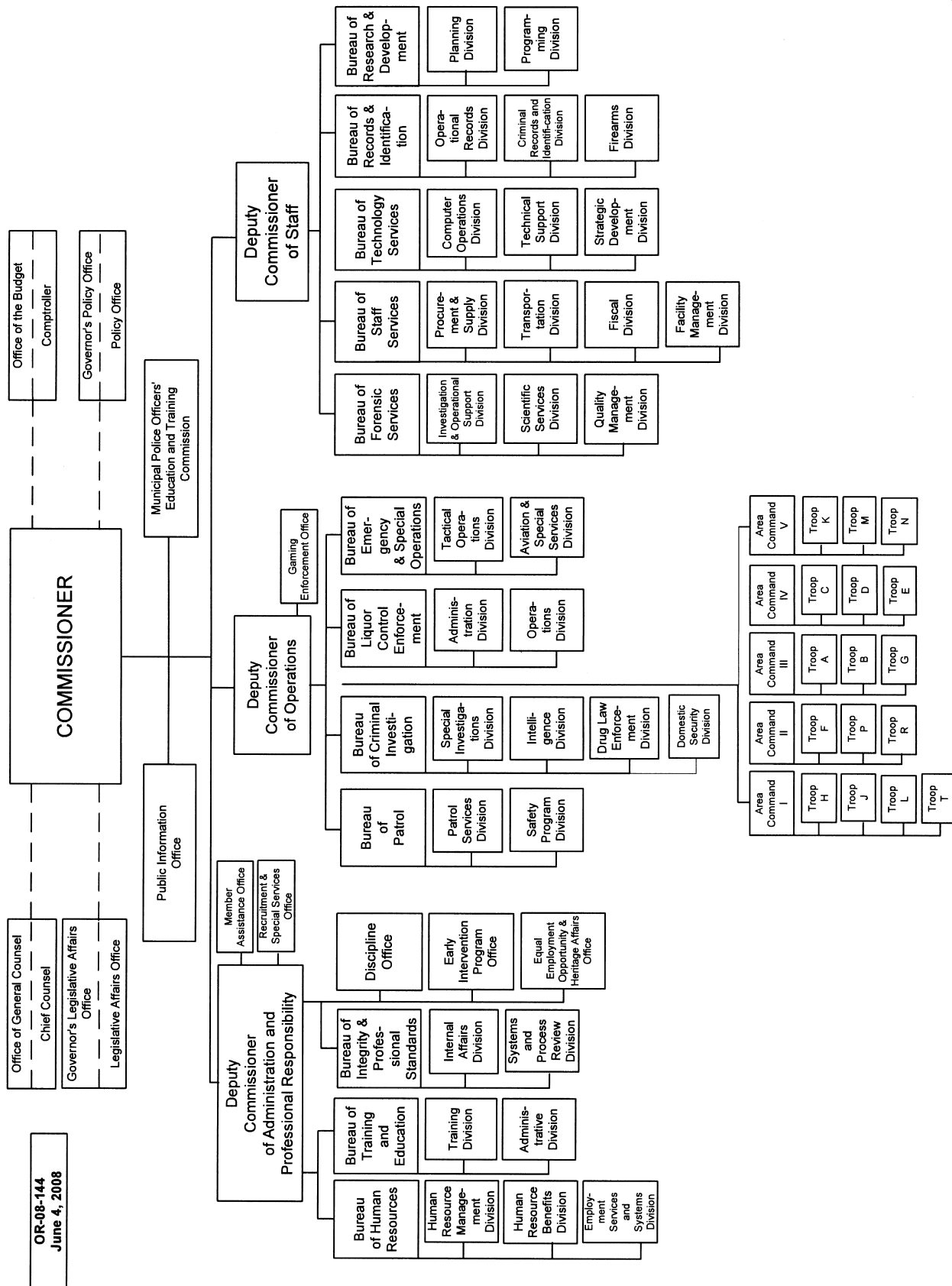
[Pa.B. Doc. No. 08-1145. Filed for public inspection June 20, 2008, 9:00 a.m.]

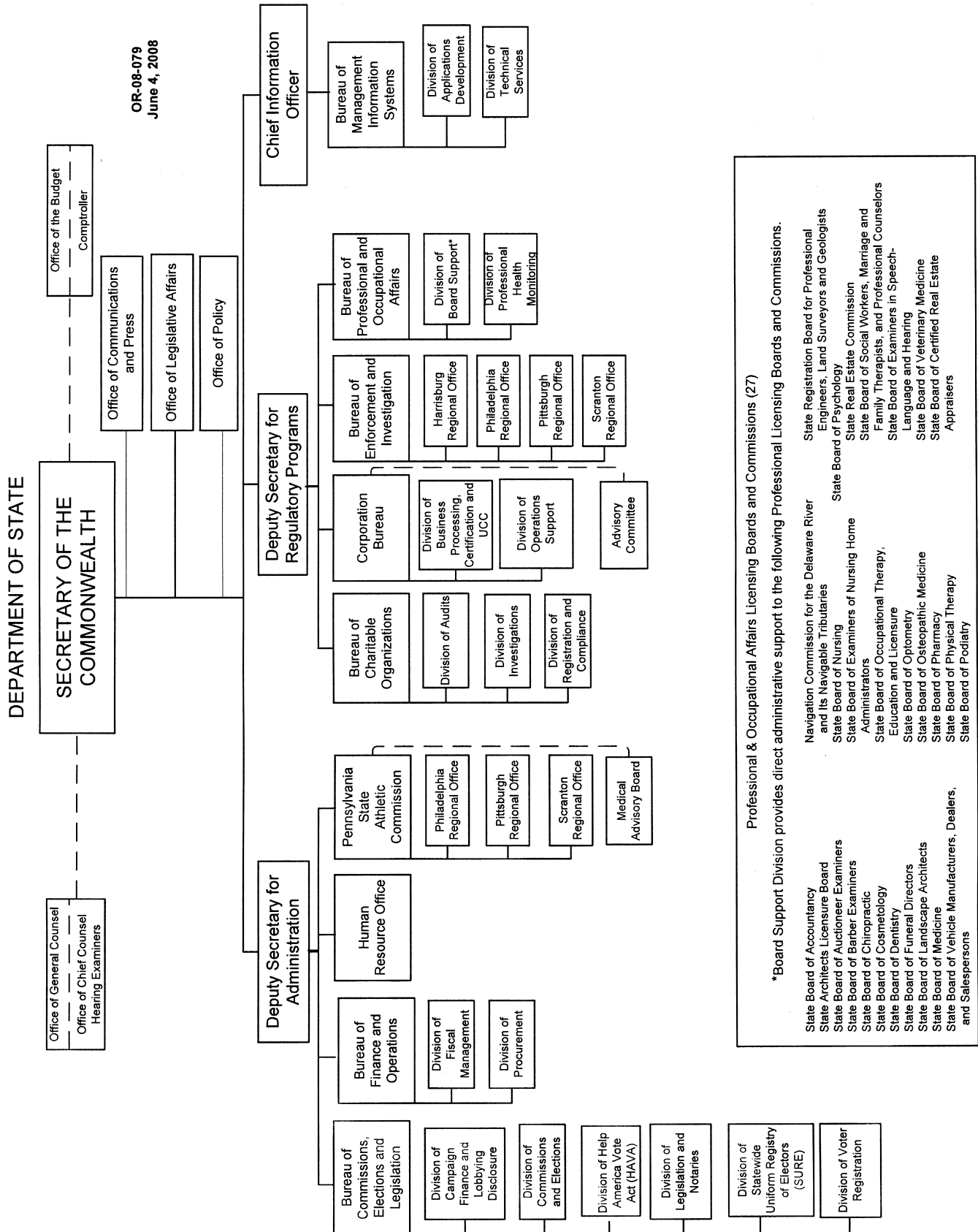
## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES





## PENNSYLVANIA STATE POLICE





# NOTICES

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending June 10, 2008.

### BANKING INSTITUTIONS

#### Voluntary Dissolutions

<i>Date</i>	<i>Name of Bank</i>	<i>Action</i>
6-5-2008	Valley Forge Trust Company King of Prussia Montgomery County	Certificate of Election to Dissolve filed with Department of State. Institution shall cease to do business.

#### Conversions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-4-2008	<i>From:</i> Commerce Bank/ Harrisburg National Association Harrisburg Dauphin County  <i>To:</i> Commerce Bank/Harrisburg Harrisburg Dauphin County  Application for conversion from a Federally-chartered bank to a Pennsylvania State-chartered bank.	Harrisburg	Filed

#### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
6-6-2008	S & T Bancorp, Inc., Indiana, to acquire 100% of IBT Bancorp, Inc., Irwin	Indiana	Effective

### BANKING INSTITUTIONS

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-5-2008	Susquehanna Bank PA, Lititz, Susquehanna Bank DV, Bryn Mawr, and Susquehanna Bank, Hagerstown, MD Surviving Institution: Susquehanna Bank PA, Lititz	Lititz	Filed
6-6-2008	S & T Bank, Indiana, and Irwin Bank, Irwin Surviving Institution: S & T Bank, Indiana  All branch offices of Irwin Bank will become branch offices of S & T Bank, including the former main office of Irwin Bank located at:  <div style="text-align: right; margin-right: 50px;">             309 Main Street Irwin Westmoreland County           </div> The following branch office of Irwin Bank will be consolidated into an existing branch office of S & T Bank: <div style="text-align: right; margin-right: 50px;"> <i>From:</i> 4 Triangle Drive Greensburg Westmoreland County   <i>Into:</i> 701 East Pittsburgh Street Greensburg Westmoreland County           </div>	Indiana	Effective

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-4-2008	Conestoga Bank Chester Springs Chester County	1501 South Newkirk Street Philadelphia Philadelphia County	Filed
6-9-2008	The Fidelity Deposit and Discount Bank Dunmore Lackawanna County	401 Kennedy Boulevard Pittston Luzerne County	Approved

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Branch Applications**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
6-4-2008	Belco Community Credit Union Harrisburg Dauphin County	Paxton Street and Eisenhower Boulevard Harrisburg Dauphin County	Filed
6-4-2008	Belco Community Credit Union Harrisburg Dauphin County	5304 Carlisle Pike Mechanicsburg Cumberland County	Filed
6-5-2008	Lancaster Red Rose Credit Union Lancaster Lancaster County	150 South Prince Street Lancaster Lancaster County	Filed

**Articles of Amendment**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
6-9-2008	Pennsylvania State Employees Credit Union Harrisburg Dauphin County	Amendment to the Field of Membership Section of the Articles of Incorporation provides for inclusion of “the Select Employee Group (SEG) employer entity” and members of the households of eligible persons.	Approved and Effective

The Department's web site at [www.banking.state.pa.us](http://www.banking.state.pa.us) includes public notices for more recently filed applications.

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 08-1146. Filed for public inspection June 20, 2008, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Application of Brian Rotolo for Reinstatement of Teaching Certificates; Doc. No. Re-07-03

**Hearing**

Under the Professional Educator Discipline Act (act) (24 P. S. §§ 2070.1—2070.18a), the Professional Standards and Practices Commission (Commission) has initiated hearing procedures to consider the application of Brian Rotolo for reinstatement of his teaching certificates.

Brian Rotolo filed an application for reinstatement of his teaching certificates under section 16 of the act (24 P. S. § 2070.16), 1 Pa. Code §§ 35.1 and 35.2 (relating to applications) and former 22 Pa. Code § 233.14 (relating to reinstatement). Under section 16 of the act, the Department of Education on May 29, 2008, recommended to the Commission that the application be denied.

In accordance with the act and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and

Procedure), the Commission will act upon the application without hearing, unless within 30 days after the publication of this notice a written request for public hearing is filed with the Commission, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protests and requests for hearing shall be filed with Carolyn Angelo, Executive Director of the Professional Standards and Practices Commission, 333 Market Street, Harrisburg, PA 17126-0333 on or before 4 p.m. on the due date prescribed by this notice.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate should contact Suzanne B. Markowicz at (717) 787-6576 to discuss how the Commission may best accommodate their needs.

GERALD L. ZAHORCHAK, D. Ed.,  
*Secretary*

[Pa.B. Doc. No. 08-1147. Filed for public inspection June 20, 2008, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

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### APPLICATIONS

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#### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a general permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal waste; discharge into groundwater
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

For NPDES renewal applications in § I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in § II, as well as applications for MS4 individual permits and individual stormwater construction permits in §§ IV and VI, the Department, based upon preliminary reviews, has made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the EPA Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on an NPDES application are invited to submit a statement to the regional office noted before an application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the regional office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for a public hearing on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**I. NPDES Renewal Applications**

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0062651	Suburban Heating Oil Partners— New Milford Bulk Plant P. O. Box 284 New Milford, PA 18834	Susquehanna County New Milford Borough	Salt Lick Creek 4E	Y
PAS802218	United Parcel Services, Inc. 1821 South 19th Street Harrisburg, PA 17101	Bethlehem Township Northampton County	UNT to Monocacy Creek HQ-CWF	Y
PAS232202	Leo Taur Technology Group, Inc. 111 Lehigh Street Macungie, PA 18062	Macungie Borough Lehigh County	UNT to Swabia Creek HQ-CWF 2C	Y
PA0032999	Department of Conservation and Natural Resources Bureau of Facility Design and Construction 3808 Three Mile Run Road Perkasie, PA 18944	Carbon County Kidder Township	Hickory Run HQ-CWF 2A	Y

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0088340 (Sew)	TJ's Restaurant, Inc. 2270 Potts Hill Road Etters, PA 17319-9664	Perry County Buffalo Township	Bucks Run 6-C	Y
PA0247031 (CAFO)	Keystone Dairy Ventures, LLC Red Knob Farms CAFO 324 Balance Meeting Road Peach Bottom, PA 17563	Lancaster County Little Britain Township	Little Conowingo Creek 7-A	Y

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0101427 Sewerage	Brian J. Buchsen 383 Irish Road Coudersport, PA 16915	Sweden Township Potter County	UNT Trout Run 16C	Y

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0103250	Urlick Foundry Company 1501 Cherry Street Erie, PA 16502	City of Erie Erie County	City of Erie storm sewer (Myrtle Street) tributary to Presque Isle Bay 15-PL	Y
PA0100960	Bloomfield Township Sewage Authority 22978 Shreve Ridge Road Union City, PA 16438	Bloomfield Township Crawford County	Oil Creek 16-E	Y
PA0037117	Cornell Abraxas Group, Inc. P. O. Box 59 Marienville, PA 16239	Howe Township Forest County	UNT to the Branch 16-F	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0239046	Ridgway Powdered Metals P. O. Box 398 Ridgway, PA 15853	Ridgway Township Elk County	Elk Creek 17-A	Y

## II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Applications

*Southeast Region: Water Management Program Manager; 2 East Main Street, Norristown, PA 19401.*

**PA0026018**, Sewage, **West Chester Borough**, 401 East Gay Street, West Chester, PA 19380. This existing facility is located in East Bradford Township, **Chester County**.

Description of Proposed Activity: This is a revised notice for an application for the renewal of an NPDES permit for an existing discharge of treated sewage from the West Chester Taylor Run sewage treatment plant.

The receiving stream, Taylor Run, is in the State Water Plan Watershed 3H and is classified for: TSF, MF, aquatic life, water supply, recreation and fishing. Taylor Run is a tributary to East Branch Brandywine Creek, which flows into Brandywine Creek. There are no public water supply intakes identified downstream in Pennsylvania. The State Line is approximately 14 river miles downstream of the discharge. A Wilmington, DE, water supply intake is located on Brandywine Creek approximately 7.5 river miles downstream of the State Line.

The proposed sewage effluent limits for Outfall 001 are based on a design flow of 1.5 mgd and are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Monthly Average</i>	<i>Weekly Average</i>	
CBOD <sub>5</sub>	313	475	25	40	50
Total Suspended Solids	188	282	15	23	30
Ammonia as N					
(5-1 to 10-30)	31		2.5		5.0
(11-1 to 4-30)	94		7.5		15.0
Phosphorus as P					
(4-1 to 10-31)	25		2.0		4.0
(years 1 and 2)					
(11-1 to 3-31)	Monitor and Report		Monitor and Report		4.0
(years 1 and 2)					
(4-1 to 10-31)	20.0		1.6		3.2
(years 3—5)					
(11-1 to 3-31)	25		2.0		4.0
(years 3—5)					
Fecal Coliform			200/100 ml Geometric Mean		1,000/100 ml
Dissolved Oxygen			5.0 (Minimum)		
pH (Standard Units)			6.0 (Minimum)		9.0
Total Residual Chlorine			0.05		0.15
Total Nitrogen	Monitor and Report		Monitor and Report		

The proposed effluent limits for stormwater Outfalls 002—004 are based on an average rainfall event and are as follows:

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			Monitor and Report	
COD			Monitor and Report	
Oil and Grease			Monitor and Report	
pH (Standard Units)			Monitor and Report	
Total Suspended Solids			Monitor and Report	
Total Kjeldahl Nitrogen			Monitor and Report	
Phosphorus (as P)			Monitor and Report	
Iron (Dissolved)			Monitor and Report	

In addition to the effluent limits, the permit contains the following major special conditions:

1. Notification of Designation of Operator.
2. Average Weekly Reporting.
3. Remedial Measures if Unsatisfactory Effluent.
4. No Stormwater.

5. Acquire Necessary Property Rights.
6. Discharge to Small Stream.
7. Change of Ownership.
8. Total Residual Chlorine Requirement.
9. Sludge Disposal Requirement.
10. Chronic WET Testing.
11. Exemption from Pretreatment Program.
12. Imax Requirements.
13. 2/Month Monitoring Requirements.
14. Requirements Applicable to Stormwater Outfalls.
15. Certified Operator.
16. Fecal Coliform Imax Reporting.
17. Laboratory Certification.
18. Operations and Maintenance Plan.
19. Upstream Sampling Requirements.

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*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**PA#0065234**, Sewage, **Stephen and Janet Lovell**, 10371 Old Route 22, Kutztown, PA 19530. This proposed facility is located in Weisenberg Township, **Lehigh County**.

Description of Proposed Activity: Application for NPDES permit to discharge treated sewage from a single-family residence, treated using an EcoFlow SCB-650 biofilter.

The receiving stream, UNT Mill Creek, is in the State Water Plan Watershed 3B and is classified for: TSF. The nearest downstream public water supply intake for Reading Area Water Authority is located on Maiden Creek and is 19.7 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0005 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10		20
Total Suspended Solids	10		20
Fecal Coliform	200/100 ml as a Geometric Mean		
pH	6.0 to 9.0 Standard Units at all times.		

In addition to the effluent limits, the permit contains the following major special conditions:

1. Since the proposed treatment system uses ultraviolet disinfection, no monitoring is required for Total Residual Chlorine.

The EPA waiver is in effect.

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*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**Application No. PA 0087866**, Industrial Waste, SIC Code 4922, **Texas Eastern Transmission, LP**, 5400 Westheimer Court, Houston, TX 77056. This facility is located in Todd Township, **Huntingdon County**.

Description of activity: The application is for renewal of a NPDES permit for an existing discharge of treated industrial waste.

The receiving stream, UNT to Great Trough Creek, is in Watershed 11-D, and classified for TSF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Raystown Lake Corp Seven Points Plant located on the Raystown Lake, approximately 9 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0023 mgd are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Report	Report	XXX	XXX	XXX
pH (Standard Units)	XXX	XXX	From 6.0 to 9.0 Inclusive		
Total PCBs	XXX	XXX	0.0005	0.001	0.00125

Persons may make an appointment to review the Department of Environmental Protection's files on this case by calling the file review coordinator at (717) 705-4732.

The EPA waiver is in effect.



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**III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)**


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*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**WQM Permit No. 1508407**, Sewerage, **Plymouth Township**, 700 Belvoir Road, Plymouth Meeting, PA 19462. This proposed facility in Plymouth Township, **Chester County**.

Description of Action/Activity: Construction and operation of a force main.

**WQM Permit No. 1508408**, Sewerage, **Malvern Hill, LP**, 2701 Renaissance Boulevard, 4th Floor, King of Prussia, PA 19406. This proposed facility is located in East Whiteland Township, **Chester County**.

Description of Action/Activity: Construction of 876,000-sf commercial/retail office space and 753 multifamily residential units.

**WQM Permit No. 4608405**, Sewerage, **Salford Township**, P. O. Box 54, 139 Ridge Road, Tylersport, PA 18971. This proposed facility is located in Salford Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a sanitary pump station to convey the sewage from the Country View at Salford Development.

**WQM Permit No. 2308402**, Sewerage, **Delaware County Regional Water Quality Authority**, 100 East Fifth Street, Chester, PA 19016-0999. This proposed facility is located in Chester City, **Delaware County**.

Description of Action/Activity: To improve sludge and grease handling processes at the Western Regional Treatment Plant.

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**WQM Permit No. 3908401**, Sewerage, **Stephen S. and Janet R. Lovell**, 10371 Old Route 22, Kutztown, PA 19530. This proposed facility is located in Weisenberg Township, **Lehigh County**.

Description of Proposed Action/Activity: This project is for a single-family small flow sewage treatment plant.

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**WQM Permit No. 3872403, Amendment 08-1**, Sewerage, **North Cornwall Township Authority**, 320 South 18th Street, Lebanon, PA 17402. This proposed facility is located in North Cornwall Township, **Lebanon County**.

Description of Proposed Action/Activity: Replacement of the Dairy Road pump station and force main, including the replacement of an existing 14" diameter DIP force main with an 18" diameter HDPE Force Main.

**WQM Permit No. 3108401**, Sewerage, **Penn Township Supervisors**, R. R. 1, Box 22B, Hesston, PA 16647. This proposed facility is located in Penn and Walker Townships, **Huntingdon County**.

Description of Proposed Action/Activity: Construction/Operation of the Penn/Walker wastewater interconnection, abandonment of the existing Penn Township community sand mounds and interconnection to the Walker Township collection system.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**WQM Permit No. 5508402**, Sewage 4952, **Perry Township Municipal**, 9351 SR 35, Mt. Pleasant Mills, PA 17853-9536. This proposed facility is located in Perry Township, **Snyder County**.

Description of Proposed Action/Activity: The applicant proposes to expand their sewage plant expansion capacity from 0.060 to 0.072 mgd.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**WQM Permit No. 0208404**, Sewerage, **Findlay Township Municipal Authority**, P. O. Box 409, 1271 Route 30, Clinton, PA 15026. This proposed facility is located in Findlay and Moon Townships, **Allegheny County**.

Description of Proposed Action/Activity: Application for the construction and operation of a pump station, force main and gravity line extension.

**WQM Permit No. 0208405**, Sewerage, **Township of O'Hara**, 325 Fox Chapel Road, Pittsburgh, PA 15238. This proposed facility is located in O'Hara Township, **Allegheny County**.

Description of Proposed Action/Activity: Application for the construction and operation of sanitary sewers in Lower Squaw Run Watershed.

**IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)****V. Applications for NPDES Wavier Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)****VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities**

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Northampton County Conservation District: Greystone Building, Gracedale Complex, Nazareth, PA 18064-9211, (610) 746-1971.*

**NPDES**

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI024803002R	Pheasant Ridge Development Corporation Attn: James Seitz 1700 Cherry Avenue Easton, PA 18040-8154	Northampton	Forks Township	Bushkill Creek HQ-CWF

*Pike County Conservation District: HC 6, Box 6770, Hawley, PA 18428, (570) 226-8220.*

**NPDES**

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI025208008	Raymondskill Properties, LLC 805 North Alta Vista Boulevard No. 5 Los Angeles, CA 90046	Pike	Dingman Township	Raymond Kill Creek HQ-CWF

*Lehigh County Conservation District: Lehigh Agricultural Center, Suite 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.*

**NPDES**

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI023908006	Piero Corrado Castle Development Group, LTD 310 Schoolhouse Road Suite 1 Souderton, PA 18964	Lehigh	Upper Saucon, Lower Milford, Springfield and Milford Townships	Unami Creek HQ-TSF
PAI023908008	Department of Transportation District 5-0 Attn: Gerald Fry 1002 Hamilton Street Allentown, PA 18101	Lehigh	Borough of Coopersburg Upper Saucon Township	Saucon Creek HQ-CWF

*Northampton County Conservation District: Greystone Building, Gracedale Complex, Nazareth, PA 18064-9211, (610) 746-1971.*

**NPDES**

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI024808005	Transcontinental Gas Pipe Line Corporation Attn: Thomas Messick, Jr. 2800 Post Oak Boulevard Houston, TX 77056-1396	Northampton	Plainfield, Bushkill and Ross Townships	Bushkill Creek HQ-CWF
PAI024804003(1)	Nic Zawarski & Sons Developers, Inc. Attn: Tarus Zawarski 1441 Linden Street Bethlehem, PA 18018	Northampton	Forks Township	Bushkill Creek HQ-CWF

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**NPDES**

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI-0306-03-003R	David Weaver Guardian Harbor Property Management, LP 701 Berkshire Place Reading, PA 19601	Berks	Reading City	Schuylkill River WWF

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

*Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.*

#### NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI041408008	Alex Sahakian Country Inn & Suites HFL Corporation 477 East Beaver Avenue State College, PA 16801	Centre	College Township	UNT to Slab Cabin HQ-CWF

*Union County Conservation District: Union County Government Center, 155 North 15th Street, Lewisburg, PA 17837, (570) 524-3860*

#### NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI046008001	Noah E. Zimmerman 235 Diehl Road Mifflinburg, PA 17844	Union	Lewis Township	Coal Run HQ-CWF

### VII. List of NOIs for NPDES and/or Other General Permit Types

PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

## PUBLIC WATER SUPPLY (PWS) PERMIT

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for a PWS permit to construct or substantially modify a public water system.

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and any related documents are on file at the office listed before the application and are available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### SAFE DRINKING WATER

### Applications Received under the Pennsylvania Safe Drinking Water Act

*Northeast Region: Water Supply Management Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

#### Application No. 5408504, Public Water Supply.

Applicant	<b>Papetti's Hygrade Egg Products, Inc. d/b/a Michael Foods Egg Products Co.</b>
Township or Borough	Upper Mahantango Township <b>Schuylkill County</b>
Responsible Official	Shane Menefee, Corporation Environmental Director Michael Foods, Inc. 301 Carlson Parkway Suite 400 Minnetonka, MN 55305
Type of Facility	Public Water Supply
Consulting Engineer	Norman C. Wenck, P. E. Wenck Associates, Inc. 1800 Pioneer Creek Center P. O. Box 249 Maple Plane, MN 55359 (763) 479-4200
Application Received Date	May 23, 2008
Description of Action	Application for installation of equipment for removal of arsenic from the public water supply serving the egg processing facility.

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

#### Permit No. 2108505, Public Water Supply.

Applicant	<b>Country View Estates</b>
Municipality	Upper Frankford Township
County	<b>Cumberland</b>

Responsible Official John D. Walter, Owner  
105 Carlisle Road  
Newville, PA 17241

Type of Facility Public Water Supply

Consulting Engineer Charles A. Kehew II, P. E.  
James R. Holley & Assoc., Inc.  
18 South George Street  
York, PA 17401

Application Received: June 4, 2008

Description of Action Greensand filter installation.

*Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit No. M.A.—1708501—Construction,** Public Water Supply.

Applicant **Sandy Township**

Township or Borough Sandy Township

County **Clearfield**

Responsible Official Dick Castonguay  
Township Manager  
Sandy Township  
1094 Chestnut Avenue  
P. O. Box 267  
Dubois, PA 15801

Type of Facility Public Water Supply—Construction

Consulting Engineer Mark Glenn, P. E., President  
Gwin, Dobson & Foreman, Inc.  
3121 Fairway Drive  
Altoona, PA 16602

Permit Issued Date June 10, 2008

Description of Action Extend water system to the West Sandy area. 44,500 LF of 6" thru 12" PVC and ductile iron piping network equipped with all valves, fire hydrants, blowoff and fittings. 250,000 gallon precast concrete storage tank and a 160 gpm booster pump station.

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit No. 0208509,** Public Water Supply.

Applicant **Pittsburgh Water & Sewer Authority**  
1200 Penn Avenue  
2nd Floor  
Pittsburgh, PA 15222-4204

Township or Borough City of Pittsburgh

Responsible Official Michael Lichte, Executive Director  
Pittsburgh Water & Sewer Authority  
1200 Penn Avenue  
2nd Floor  
Pittsburgh, PA 15222-4204

Type of Facility Water treatment plant

Consulting Engineer Camp, Dresser & McKee, Inc.  
2740 Smallman Street  
Pittsburgh, PA 15222

Application Received Date June 2, 2008

Description of Action Rehabilitation of all four clarifiers at the Pittsburgh Water and Sewer Authority's main water treatment plant located in Aspinwall, PA.

**Permit No. 6399504A1,** Public Water Supply.

Applicant **Pennsylvania American Water Company**  
800 West Hersheypark Drive  
P. O. Box 888  
Hershey, PA 17033

Township or Borough Franklin Township

Responsible Official David Kaufman, Vice-President,  
Engineering  
Pennsylvania American Water Company  
800 West Hersheypark Drive  
P. O. Box 888  
Hershey, PA 17033

Type of Facility Pump station

Consulting Engineer

Application Received Date June 5, 2008

Description of Action Installation of additional chlorination equipment at the existing Franklin Manor booster pump station.

*Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Application No. 2508501,** Public Water Supply.

Applicant **Presque Isle Wine Cellars, Inc.**

Township or Borough North East Township  
**Erie County**

Responsible Official Marc Boettcher, Owner

Consulting Engineer Steven R. Halmi, P. E.  
Deiss & Halmi Engineering, Inc.  
105 Meadville Street  
Edinboro, PA 16412

Application Received Date May 29, 2008

Description of Action Treatment for nitrate removal including ion exchange, pH adjustment and pumping modifications; disinfection by chlorine at the Five Restaurant

**Application No. 3708501,** Public Water Supply.

Applicant **Pennsylvania American Water Company New Castle**

Township or Borough Neshannock Township  
**Lawrence County**

Responsible Official William Lage, Project Manager

Consulting Engineer Jerry Hankey, P. E.  
Design Engineer  
PA American Water Company  
1909 Oakland Avenue  
Indiana, PA 15701

Application Received Date June 2, 2008

Description of Action Neshannock Booster Station upgrades to include installation of third pump for system reliability.

#### MINOR AMENDMENT

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

#### Application No. 3208502MA, Minor Amendment.

Applicant **Indiana County Municipal Services Authority**  
602 Kolter Drive  
Indiana, PA 15701

Township or Borough Cherry Tree Borough

Responsible Official Michael Duffalo, Executive Director  
Indiana County Municipal Services Authority  
602 Kolter Drive  
Indiana, PA 15701

Type of Facility Water storage tank

Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
1004 Ligonier Street  
P. O. Box 853  
Latrobe, PA 15650

Application Received Date June 10, 2008

Description of Action Painting the ICMSA water storage tank at Cherry Tree.

*Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

#### Application No. 4304501-MA1, Minor Amendment.

Applicant **St. Paul Homes**

Township or Borough West Salem Township  
**Mercer County**

Responsible Official Jay Helsel  
Consulting Engineer  
KTA-Tator Inc.  
115 Technology Drive  
Pittsburgh, PA 15272

Type of Facility Personal Care Home

Application Received Date June 6, 2008

Description of Action Repair and repaint existing water storage tank.

#### WATER ALLOCATIONS

#### Applications received under the Act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth

*Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**WA 01-1027, Water Allocations. Possum Valley Municipal Authority, Adams County.** The applicant is requesting the right to withdraw up to a maximum 65,000 gpd based from Opossum Creek through an exist-

ing intake in Menallen Township, Adams County Consulting Engineer: Janet R. McNally, Wm. F. Hill & Associates, Inc. Date Application Received April 25, 2008.

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**WA30-1001, Water Allocations. Mt. Morris Water & Sewer Authority, P. O. Box 340, Mt. Morris, PA 15349, Greene County.** The applicant is requesting the right to purchase 150,000 gpd from the Southwestern Pennsylvania Water Authority, Greene County.

**WA30-118E, Water Allocations. Municipal Authority of the Borough of Oakmont, 721 Allegheny Avenue, Oakmont, PA 15139, Allegheny County.** The applicant is requesting the right to purchase: 1,008,000 gpd of water, on an emergency basis, from Plum Borough Municipal Authority; 1,152,000 gpd of water, on an emergency basis, from Hampton Township Municipal Authority; and 2,304,000 gpd of water, on an emergency basis, from Wilkinsburg-Penn Joint Water Authority.

**WA26-5B, Water Allocations. Municipal Authority of Washington Township, 1390 Fayette Avenue, Belle Vernon, PA 15012, Fayette County.** The applicant is requesting the withdraw 1,656,000 gpd of water from the Monongahela River and the right to purchase 9,000 gpd from the Municipal Authority of Westmoreland County.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 1

#### Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under §§ 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a Site-Specific Standard,

in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a Site-Specific Standard or as a special industrial area, the municipality within which the site is located may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office before which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Neiman Residence**, Lower Moreland Township, **Montgomery County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Mr. and Mrs. Neiman, 505 Oreland Mill Road, Oreland, PA 19075 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted by release of No. 2 fuel oil. The future use of the site is residential. A summary of the Notice of Intent to Remediate was reported to have been published in *The Globe* on May 8, 2008.

**BMW of the Main Line**, Lower Merion Township, **Montgomery County**. Samuel J. Kucia, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of Elizabeth B. Kirsch, Kirsch Enterprises, Inc. and Estate of C. H. Kirsch, c/o Richard E. Javage, Jr., Esq., 3350 Township Line Road, Drexel Hill, PA 19026 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted by release of chlorinated solvents and PAHs. The intended future use of the subject property will continue to be an automobile dealership and service facility.

**Sugarhouse Casino**, City of Philadelphia, **Philadelphia County**. Christopher Orzechowski, P. G., Keating Environmental Management, 123 John Robert Thomas Drive, Exton, PA 19341 on behalf of Terrance J. McKenna, P. E., HSP Gaming, LP, c/o Keating Consulting, LLC, The Phoenix, 1600 Arch Street, Suite 300, Philadelphia, PA 19103 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted by release of chlorinated solvents. The future planned site development is a commercial, licensed gaming and entertainment facility, including the development of hotels and open space.

**Chester County Public Safety Training Facility**, South Coatesville Borough, **Chester County**. Bernard Beegle, Advanced GeoScience Corporation, 1055 Andrew Drive, Suite A, West Chester, PA 19380, Thomas M. Legel, Advanced GeoScience Corporation, 1055 Andrew Drive, Suite A, West Chester, PA 19380 on behalf of Mike

Heffron, Peco, 2301 Market Street, Sq-1, Philadelphia, PA 19103 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of pesticides. The future use of the site will remain the same.

*Northeast Region: Ronald S. Brezinski, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**St. Luke's Hospital Boiler House**, Fountain Hill Borough, **Lehigh County**. Scott Alderfer, Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 has submitted a Notice of Intent to Remediate (on behalf of his client, St. Luke's Hospital, 801 Ostrum Street, Bethlehem, PA 18015), concerning the remediation of soils found or suspected to have been impacted by No. 6 fuel oil as a result of an underground storage tank release due to the failure of a steam heating coil and associated condensate line which were used for heating fuel oil underground storage tanks. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Former Exxon Station RAS 2-7395**, Upper Allen Township, **Cumberland County**. Groundwater and Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 on behalf of Elvin B. Hess, 145 Gettysburg Pike, Mechanicsburg, PA 17055-5695, and Exxon-Mobil Environmental Services Company, 220 Commerce Drive, Suite 205, Fort Washington, PA 19034, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with unleaded gasoline. The site, which will be remediated to a combination of Statewide Health and Site-Specific Standards, is expected to continue operation as an automotive service station.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Proposed Rite Aid—Clearfield**, Clearfield Borough, **Clearfield County**. Converse Consultants, 2738 West College Avenue, State College, PA 16801 on behalf of Clearfield Commercial Properties, LP, 1 Atlantic Avenue, Pittsburgh, PA 15202 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with petroleum constituents and chlorinated compounds. The applicant proposes to remediate the site to meet the Site-Specific Standard. The site is proposed for development as a Rite Aid store.

**D J Franzen, Inc. I 80 MM190.5E Accident**, Greene Township, **Clinton County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of D J Franzen, Inc., D J Franzen, Inc., 1200 Pleasant Hill Road, Pleasant Hill, IA 50327 has submitted a Notice of Intent to Remediate soil contaminated with diesel fuel. The applicant proposes to remediate the site to meet the Statewide Health Standard. The site will remain a berm area along an interstate highway.

**Marie A. Reed Property**, Point Township, **Northumberland County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Marie A. Reed, 157 Bird Lane, Northumberland, PA 17857 has submitted a Notice of Intent to Remediate soil contaminated with No. 2 heating oil. The applicant proposes to remediate the site to meet the Statewide Health Standard. The property will remain a residential property.

## OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Applications submitted under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Northcentral Region: Regional Solid Waste Manager, 208 West 3rd Street, Suite 101, Williamsport, PA 17701-6448.*

**Permit Application No. 101695. Ag-Lime Processing, LLC**, 7146 Furnace Road, Mifflinburg, PA 17844. The application for a biosolids processing facility to be located in Buffalo Township, **Union County**, was submitted to the Williamsport Regional Office on June 2, 2008. A Local Municipal Involvement Process meeting will be scheduled sometime in July, 2008.

Comments concerning the application should be directed to David Garg, P.E., Facilities Manager, Northcentral Regional Office, 208 West 3rd Street, Suite 101, Williamsport, PA 17701-6448. Persons interested in obtaining more information about the general permit application may contact the Williamsport Regional Office at (570) 327-3740. TDD users may contact the Department of Environmental Protection through the Pennsylvania Relay Service at (800) 654-5984.

*Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Permit Application No. 101694. Rustick, LLC**, 19 Ness Lane, Kane, PA 16735, Sergeant Township, **McKean County**. The application is for a new facility to be known as the Rustick, LLC Transfer Station. This facility will be accepting waste by rail. The application was submitted to the Department of Environmental Protection (Department) on April 11, 2008. The application was found to be administratively complete by the Northwest Regional Office on June 5, 2008.

Comments concerning the application should be directed to Todd Carlson, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. Persons interested in obtaining more information about the general permit application may contact the Northwest Regional Office at (814) 332-6848. TDD users may contact the Department through the Pennsylvania Relay Service at (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities.

Copies of the applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984. Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (act) and regulations adopted under the act.

### PLAN APPROVALS

**Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Ray Kempa, New Source Review Chief, (570) 826-2531.*

**58-329-002: Tennessee Gas Pipeline Co.** (P. O. Box 2511, S1102A, Houston, TX 77252-2511) for construction of a new gas turbine at their facility in Clifford Township, **Susquehanna County**.

**54-302-076: Van Hoekelen Greenhouses, Inc.** (P. O. Box 88, Route 309, McAdoo, PA 18237-0088) for construction of a new coal fired boiler at their facility in Kline Township, **Schuylkill County**.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Sachin Shankar, New Source Review Chief, (484) 250-5920.*

**09-0024G: Waste Management of Pennsylvania, Inc.—Tullytown Resource Recovery Facility** (1121 Bordentown Road, Morrisville, PA 19067) for an enforceable heat throughput restriction on two enclosed backup flares in Tullytown Borough, **Bucks County**. The new restriction will replace the annual hourly limit of 1,752 in the existing Operating Permit and Plan Approval for each flare with an annual heat throughput limit of 262,800 mmBtu for each flare. The 262,800 mmBtu corresponds to 1,752 hours of operation at the rated capacity of 150 mmBtu/hr of each flare. Replacement of the hourly limit will provide flexibility for operation of the flares at less than their rated capacity. Emissions limits in the existing Operating Permit and Plan Approval for NO<sub>x</sub>, SO<sub>x</sub>, CO, VOCs and PM/PM<sub>10</sub> for each flare will remain unchanged. The facility is a major facility. The Plan Approval will include monitoring, testing and recordkeeping requirements designed to keep the facility operating within all applicable air quality requirements.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, William R. Weaver, New Source Review Chief, (717) 705-4702.*

**21-05040D: Valley Quarries, Inc.** (P. O. Box J, Chambersburg, PA 17201-0809) for construction of a drum mix asphalt plant at the Shippensburg Blacktop Plant, Southampton Township, **Cumberland County**. The facility will be required to limit the emissions to less than 100 tons each of PM, SO<sub>x</sub>, CO and NO<sub>x</sub>, 50 tons of VOC and 10/25 tons of HAPs, during any consecutive 12-month period. The State-only facility-wide operating permit will contain emission limits along with monitoring, recordkeeping and reporting conditions to ensure the facility complies with the applicable air quality requirements. The source is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities.

**22-03052C: HNI Corp.** (325 Mountain House Road, Halifax, PA 17032) for construction of three paint booths for stove and heating appliance coating operations, in Jackson Township, **Dauphin County**. The primary emissions from the sources are VOCs. The estimated potential VOC emissions from the booths are 4 tpy. The plan approval will contain restrictions, monitoring, recordkeeping and work practice standards designed to keep the facility operating within all applicable air quality requirements. When the sources are constructed, this plan approval will be incorporated into the facility's natural minor operating permit No. 22-03052.

**36-05119C: Signature Custom Cabinetry, Inc.** (434 Springville Road, Ephrata, PA 17522) for a coating spray booth at Ephrata Township, **Lancaster County**. This application is estimated to increase the annual potential VOC emissions by approximately 3 tons. The plan approval will contain restrictions, recordkeeping and reporting designed to keep the facility operating within the applicable air quality requirements. This plan approval will be incorporated into the facility's synthetic minor operating permit No. 36-05119.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, David Aldenderfer, Program Manager, (570) 327-3637.*

**14-00003B: The Pennsylvania State University** (101P Office of Physical Plant, University Park, PA 16802-1118) for the construction of 1,120 Bhp, diesel-fired, MTU/Detroit Diesel Model No. 12V2000 G84 R123-8A36, Engine Code No. 5549 S compression ignited internal combustion engine utilized to supply emergency

electricity generation for Housing and Food Services Building located at University Park Campus in College Township, **Centre County**. The respective facility is a major facility for which a Title V operating permit 14-00003 has been issued.

The Department of Environmental Protection's (Department) review of the information contained in the application indicates that the construction of the respective compression ignited internal combustion engine meets all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including Best Available Requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department intends to issue a plan approval for the construction of 1,120 Bhp, diesel-fired, compression ignited internal combustion engine. Additionally, if the Department determines that the respective engine is operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into Title V operating permit 14-00003 by means of an administrative amendment under 25 Pa. Code § 127.450.

The following is a summary of the conditions that the Department proposes to place in the plan approval to ensure compliance with all applicable regulatory requirements:

1. (Compliance with the requirement specified in this streamlined permit condition assures compliance with the provisions in 40 CFR 60.4205(b)) Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the NO<sub>x</sub> emissions from the exhaust of Source ID P116 shall not exceed 4.38 grams per brake horsepower, 10.80 pounds per hour and 0.54 ton in any 12-consecutive month period.

2. (Compliance with the requirement specified in this streamlined permit condition assures compliance with the provisions in 40 CFR 60.4205(b)) Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the CO emissions from the exhaust of Source ID P116 shall not exceed 1.19 grams per brake horsepower, 2.94 pounds per hour and 0.15 ton in any 12-consecutive month period.

3. (Compliance with the requirement specified in this streamlined permit condition assures compliance with the provisions in 25 Pa. Code § 123.21) Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the SO<sub>x</sub>, expressed as SO<sub>2</sub> emissions from the exhaust of Source ID P116 shall not exceed 0.14 gram per brake horsepower, 0.36 pound per hour and 0.02 ton in any 12-consecutive month period.

4. (Compliance with the requirement specified in this streamlined permit condition assures compliance with the provisions in 25 Pa. Code § 123.13 and 40 CFR 60.4205(b)) Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the total PM emissions from the exhaust of Source ID P116 shall not exceed 0.12 gram per brake horsepower, 0.29 pound per hour and 0.01 ton in any 12-consecutive month period.

5. (Compliance with the requirement specified in this streamlined permit condition assures compliance with the provisions in 40 CFR 60.4205(b)) Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the VOCs, expressed as NMHC emissions from the exhaust of Source ID P116 shall not exceed 0.17 gram per brake horsepower, 0.42 pound per hour and 0.02 ton in any 12-consecutive month period.

6. (Compliance with the requirement specified in this streamlined permit condition assures compliance with the



provisions in 25 Pa. Code § 123.41 and 40 CFR 60.4205(b)) Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, no person shall permit the emissions into the outdoor atmosphere of visible air contaminants in such a manner that the opacity of the emissions from Source ID P116 is equal to or greater than 15% at any time.

7. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P116 shall not operate for more than 100 hours in any 12-consecutive month period.

8. (Additional authority for this permit condition is derived from 25 Pa. Code §§ 127.1 and 127.12) Until October 10, 2010, the permittee shall only use diesel fuel that meets the following parameters as fuel for Source ID P116:

a) Sulfur content equal to 500 parts per million (ppm) maximum upon a gallon basis.

b) Minimum cetane index number of 40 or maximum aromatic content equal to 35%.

Beginning October 10, 2010, the permittee shall only use diesel fuel that meets the following parameters as fuel for Source ID P116.

a) Sulfur content equal to 15 ppm maximum upon a gallon basis.

b) Minimum cetane index number of 40 or maximum aromatic content equal to 35%.

9. (Additional authority for this permit condition is derived from 25 Pa. Code §§ 127.1 and 127.12) Source ID P116 shall be equipped with a nonresettable hour meter prior to initial start-up of Source ID P116 and the nonresettable hour meter shall continuously monitor the hours of operation of Source ID P116.

10. The permittee shall keep records of the following information:

a) The monthly calculations of air contaminant emissions from Source ID P116 used to verify compliance with NO<sub>x</sub>, CO, SO<sub>x</sub>, PM and VOC emissions limitations in any 12-consecutive month period.

b) The number of hours through the nonresettable hour meter that Source ID P116 is operated on a monthly basis and reason of operation.

c) For each delivery of diesel for this engine, a copy of the fuel certification report that verifies compliance with diesel fuel requirements for Source ID P116.

d) Maintenance records for Source ID P116 that verifies the engine is operated and maintained according to the manufacturer's written instructions and recommendations.

These records shall be kept for a minimum of 5 years and shall be made available to the Department upon request.

11. The permittee shall submit the following report on an annual basis:

a) The monthly calculations of air contaminant emissions from Source ID P116 used to verify compliance with NO<sub>x</sub>, CO, SO<sub>x</sub>, PM and VOC emissions limitations in any 12-consecutive month period.

b) The number of hours through the nonresettable hour meter that Source ID P116 is operated on a monthly basis and reason of operation.

c) For each delivery of diesel for this engine, a copy of the fuel certification report that verifies compliance with diesel fuel requirements for Source ID P116.

d) Maintenance records for Source ID P116 that verifies the engine is operated and maintained according to the manufacturer's written instructions and recommendations.

Annual reports shall be submitted to the Department and EPA by March 1 for the previous calendar year (January 1 through December 31).

12. Under 40 CFR 63.6645(f), within 120 days from initial start-up of Source ID P116, the permittee shall submit initial notification that contains all information specified in 40 CFR 63.9(b)(2)(i)–(v) including a statement that Source ID P116 has no additional applicable requirements of 40 CFR Part 63, Subpart ZZZZ and explain the basis for exclusion.

Initial notification shall be submitted to the Department and EPA prior to initial startup of Source ID P116.

13. (Additional authority for this permit condition is derived from 25 Pa. Code §§ 127.1 and 127.12) Source ID P116 shall operate only for purposes of readiness testing, maintenance checks and emergency situations. Source ID P116 shall not operate for purposes of peak shaving or to supply electricity to an electric grid or otherwise supply power as part of a financial arrangement with another entity.

14. (Additional authority for this permit condition is derived from 25 Pa. Code §§ 127.1 and 127.12) Source ID P116 shall be operated, configured and maintained according to the manufacturer's written specifications, instructions and recommendations over the entire life of Source ID P116.

15. Source ID P116 is an 1,120 Bhp, Detroit Diesel Model No. 12V2000 G84 R123-8A36, Engine Code No. 5549 S compression ignited internal combustion engine utilized for emergency electricity generation.

16. Source ID P116 is subject to 40 CFR Part 60, Subpart IIII. The permittee shall comply with all the applicable requirements specified in 40 CFR 60.4200–60.4219.

17. Source ID P116 is subject to 40 CFR Part 60, Subpart ZZZZ. The permittee shall comply with all the applicable requirements specified in 40 CFR 63.6580–63.6675.

A copy of the plan approval application is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at (570) 327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Manager, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-0512.

**19-317-022D: Melick Aquafeed, Inc.** (139 South First Street, Catawissa, PA 17820) has submitted to the Department of Environmental Protection (Department) a plan approval application for the construction of a new fish food pellet dryer to replace the existing fish food pellet dryer (Belt-O-Matic model No. 205 B), the installation of a sodium hypochlorite (NaOCl) solution injection system for the dryer exhaust and existing extruder

exhaust (tied into the dryer stack) and for the installation of a building ventilation system at the facility located in Catawissa Borough, **Columbia County**. The respective facility is a nonmajor facility for which a State-only operating permit application (19-00027) has been submitted. The new proposed dryer has double the throughput capacity of the existing dryer (2.5 tph to 5.0 tph). Malodorous air contaminants (primarily trimethylamine), from the new dryer, after sodium hypochlorite injection, are expected to be between 2 and 3 tpy, however, total VOC emissions could be as high as 22 tpy. Potential PM emissions, from the proposed dryer, after cyclone control, are estimated to be 6.57 tpy. No HAP emissions are expected to be emitted from the proposed dryer.

The Department's review of the information contained in the application indicates that the proposed dryer will comply with all applicable requirements pertaining to air contamination sources and the emission of air contaminants including the BACT requirements of 25 Pa. Code §§ 127.1 and 127.12, and 25 Pa. Code §§ 123.13, 123.21, 123.31 and 123.41. Based on this finding, the Department intends to issue a plan approval for the proposed construction and installations. Additionally, if the Department determines that the source and the air cleaning devices are operating in compliance with the plan approval conditions, the conditions established in the plan approval will be incorporated into an operating permit by means of an administrative amendment under 25 Pa. Code § 127.450.

The Department proposes to place in the plan approval the following conditions to ensure compliance with all applicable regulatory requirements:

1. Source ID P101A is a model no. 430 B fish food pellet dryer/cooler manufactured by Belt-o-matic with a maximum capacity of 5.0 tons of fish food per hour. The dryer is equipped with one propane fired burner with a rated heat input capacity of 2.0 mmBtu/hr. Under the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the air contaminant emissions from the dryer shall be controlled by an Aircon Corporation model No. 1HE-43 high efficiency cyclone. The cyclone shall be insulated.

2. Under the malodor provisions of 25 Pa. Code § 123.31, the malodorous air contaminants from the pellet dryer and extruder shall be treated with a sodium hypochlorite solution applied using a sodium hypochlorite injection system. The sodium hypochlorite injection system shall consist of a minimum of four BETE Microwhirl nozzles installed in the dryer exhaust ductwork after the cyclone and before the exhaust fan, a Jesco America Corporation model No. 5701 solution metering pump and a minimum 250 gallon solution feed tank. Within 60 days of issuance of this plan approval, the hypochlorite injection system shall be made capable of operating the entire year, and shall be operated whenever the extruder and/or pellet dryer are operating.

3. Under the malodor provisions of 25 Pa. Code § 123.31, the permittee shall install a facility-wide ventilation system (as specified in plan approval application 19-317-022D) within 180 days of issuance of this plan approval. The ventilation system shall consist of five 12" by 30" hoods installed at the locations indicated in the plan approval application (that is, extruder, pellet mill, pellet cooler room and two at discharge points of screw feeds in feed batch preparation area), one 6,500 cfm exhaust blower and an 87' stack. Each hood shall be placed above and as close to the source of fugitive malodors as possible.

4. Under the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the PM concentration from the exhaust of the pellet dryer and extruder (that is, final exhaust stack after the dryer cyclone and extruder tie-in) shall not exceed 0.02 gr/dscf.

5. Under the malodor provisions of 25 Pa. Code § 123.31, the concentration of methylamine compounds from the exhaust of the pellet dryer and extruder (that is, final exhaust stack after the sodium hypochlorite injection system and extruder tie-in) shall not exceed 5.0 ppmv.

6. Within 180 days of the start of operation of the fish food pellet dryer (Source ID P101A), the permittee shall perform stack testing to determine compliance with the PM emission limit of 0.02 gr/dscf. Stack testing shall be performed in accordance with the applicable provisions of 25 Pa. Code Chapter 139 (relating to sampling and testing) using test methods and procedures approved by the Department. Testing shall be performed when the dryer and extruder are operating at maximum routine operating conditions.

At least 60 days prior to all stack testing required in this plan approval, the permittee shall submit two copies of a test protocol to the Department's Northcentral Region for review and approval. This protocol shall describe the test methods and procedures to be used in the performance of testing, and shall include dimensioned sketches of the exhaust systems showing the locations of all proposed sampling ports. The protocol shall also identify all process parameters, which will be monitored and recorded during testing to verify maximum routine operating conditions during testing, and to verify that all associated air cleaning devices are operating normally during testing.

At least 14 days prior to stack testing, the permittee shall notify the Department (Northcentral Regional Office and Central Office, Source Testing Section) of the actual dates and times that testing will occur so that Department personnel can arrange to be present during testing. The Department is under no obligation to accept the results of the testing without having been given proper notification.

Within 60 days following the completion of the stack testing, the permittee shall submit two copies of a test report to the Department's Northcentral Region for review and approval. The test report shall contain the results of the testing, a description of the test methods and procedures actually used, copies of all raw test data with sample calculations and copies of all process data recorded during testing. Since the testing is required for the purpose of demonstrating compliance with emission limitation identified in this plan approval, the results of the testing shall be expressed in units identical to the units of the limitation identified in this plan approval.

7. The permittee shall install an exhaust stack sampling system and take accurate draeger tube concentration measurements (ppmv) for methylamine compounds at least once each day when the extruder and dryer are operating at normal capacity. The methylamine measurements shall be taken at least two stack diameters downstream of the extruder tie-in.

8. The permittee shall install a rotameter that shall accurately and continuously measure the flow rate of sodium hypochlorite solution injected into the extruder and pellet dryer exhaust stack. The permittee shall also accurately measure the concentration (by weight) of sodium hypochlorite being injected into the stack by accu-

rately measuring and recording the amount of 15% sodium hypochlorite solution and dilution water added to the 250 gallon tank. The sodium hypochlorite solution injection rate shall, at a minimum, be 7 gph, and the concentration of sodium hypochlorite in the injection solution shall be at least 2.8%, by weight (the Department reserves the right to raise these amounts should information gathered during the dryer shakedown period suggest that a higher solution flow rate and/or concentration is required to meet the methylamines concentration limit or to reduce malodors).

9. The high efficiency cyclone (Control Device ID C101) shall be equipped with instrumentation to accurately and continuously measure the pressure differential across the cyclone.

10. The permittee shall perform weekly maintenance checks on the sodium hypochlorite injection system's feed tank, pump, piping and injection nozzles.

11. The permittee shall perform weekly maintenance checks on the facility-wide ventilation system's hoods, duct work and exhaust blower.

12. The permittee shall keep accurate records of the daily methylamine compounds concentration measurements from the extruder and pellet dryer exhaust and shall record the material throughput of the extruder and pellet dryer and shall certify that the recorded throughputs are at normal production levels. The records shall also include date and time of measurement and any other pertinent comments. The records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

13. The permittee shall keep accurate records of the flow rate of sodium hypochlorite solution into the extruder and pellet dryer exhaust stack at least once each working shift. In addition, the permittee shall keep accurate records of the concentration of sodium hypochlorite (by weight) in each batch of sodium hypochlorite solution prepared and shall keep records of the dates, procedures, measurements and calculations used to determine the sodium hypochlorite concentration. The records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

14. The permittee shall keep records of the pressure differential across the high efficiency cyclone (Control Device ID C101) at least once each day when the pellet dryer is operating. The records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

15. The permittee shall keep records of the weekly maintenance checks performed on the sodium hypochlorite injection system and the facility-wide ventilation system; the records shall include, date and time of maintenance check, equipment inspected and maintenance performed. The records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

16. Under the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, all raw material storage containers shall be kept closed when not in use. In addition, the permittee shall clean up spills of all raw materials and/or products as expeditiously as possible.

17. (a) The permittee shall report malfunctions which occur at this facility to the Department. A malfunction is any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equip-

ment, or a process to operate in a normal or usual manner that may result in an increase in the emissions of air contaminants. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

(b) Failures that are caused in part by poor maintenance or careless operation shall be reported as excess emissions or deviations from this permit's requirements.

(c) When the malfunction, excess emissions or deviation from this permit's requirements poses an imminent and substantial danger to the public health and safety or the environment, the permittee shall notify the Department by telephone no later than 1 hour after the incident.

(d) Unless otherwise required by the specific reporting requirements, any malfunction, excess emissions or deviation from this permit's requirements that is not subject to the notice requirements of subsection (c) of this permit condition shall be reported to the Department within 1 working day of discovery. In notifying the Department, the permittee shall describe the following:

(i) Name and location of the facility.

(ii) Nature and cause of the malfunction or breakdown.

(iii) Time when the malfunction or breakdown was first observed.

(iv) Expected duration of excess emissions.

(v) Estimated rate of emissions.

(vi) Corrective actions or preventative measures taken.

(e) The permittee shall notify the Department immediately when corrective measures have been accomplished.

(f) Upon the request of the Department, the permittee shall submit a full written report to the Regional Air Program Manager within 15 days of the malfunction, excess emissions or deviations from this permit's requirements.

18. Issuance of an operating permit for Source ID P101A is contingent upon all sources being constructed, all air cleaning devices being installed and all sources and air cleaning devices being maintained and operated as described in the plan approval application and supplemental materials submitted with the application, and in accordance with all conditions contained herein, and upon satisfactory demonstration that any air contaminant emissions are in compliance with all emission limitations specified herein, as well as in compliance with the requirements specified in §§ 123.21, 123.31 and 123.41 of Chapter 123 of Article III of the Rules and Regulations of the Department of Environmental Protection, as well as in compliance with the requirements specified in, or established under, any other applicable rules and regulations contained in Article III of the Rules and Regulations of the Department of Environmental Protection.

Copies of the application and the Department's review of the application are available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at (570) 327-3693.

Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Manager, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-0512.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, George Monasky, New Source Review Chief, (814) 332-6940.*

**25-179B: Erie Sewer Authority** (68 Port Access Road, Erie, PA 16507-2202) for modification of the pressure drop range across the two scrubbers that control the incinerators in Erie City, **Erie County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate BAT for the source:

- All conditions from the facility Title V OP issued on July 13, 2007, remain in effect with the following exceptions:
- The pressure drop across the combined venturi scrubber and impingement scrubber shall range from 14.0 to 22.0 inches water column.
- All references to the afterburner were removed due to plan approval 25-179A issued November 8, 2007.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104, Edward Braun, Chief, (215) 685-9476.*

**AMS 08076: Innovation Printing and Communications** (11601 Caroline Road, Philadelphia, PA 19154) for replacement of an existing 6-color nonheatset sheet-fed lithographic printing press with a 5-color nonheatset sheet-fed lithographic printing press in the City of Philadelphia, **Philadelphia County**. There will be a potential annual emission increase of 4.8 tons of VOCs for the facility. The facility will be limited to less than 25 tons per rolling 12-month period of VOCs, 10 tons per rolling 12-month period of individual HAPs and 25 tons per rolling 12-month period of combined HAPs. The plan approval will contain operating, monitoring and recordkeeping requirements to ensure operation within all applicable requirements.

#### OPERATING PERMITS

#### **Intent to Issue Title V Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, William R. Weaver, New Source Review Chief, (717) 705-4702.*

**06-05045: Department of Public Welfare** (P. O. Box 1000, Hamburg, PA 19526-1000) for operation of a specialty nursing hospital (Hamburg Center) in Windsor Township, **Berks County**. This action is a renewal of the Title V operating permit issued in 2003.

**21-05031: Community Refuse Service, Inc.—Cumberland County Landfill** (135 Vaughn Road, Shipensburg, PA 17257-9727) for operation of a refuse disposal facility in Hopewell and North Newton Townships, **Cumberland County**. This action is a renewal of the Title V operating permit issued in 2003.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Matthew Williams, Facilities Permitting Chief, (814) 332-6940.*

**43-00272: Tennessee Gas Pipeline Company—Station No. 219, Mercer Plant** (1211 Greenville—Mercer Road, Mercer, PA 16137) for re-issuance of a Title V Permit to operate a natural gas compressor station in Jefferson Township, **Mercer County**. The facility's major emission sources include 14 natural gas-fueled compressors, 3 natural gas electric generators, fugitive miscellaneous natural gas leakage, miscellaneous natural gas usage and one parts washing machine. The facility is a major facility due to its potential to emit of VOCs, NOx and CO.

#### **Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.*

**09-00086: Neshaminy School District** (2001 Old Lincoln Highway, Langhorne, PA 19047-3240) for operation of the High School in Middletown Township, **Bucks County**. The permit is for a non-Title V (State-only) facility. Major sources of air emissions include boilers and emergency generators. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Ray Kempa, New Source Review Chief, (570) 826-2531.*

**48-00049: FedChem, LLC** (275 Keystone Drive, Bethlehem, PA 18020-9464) for operation of chemical reactors at their facility in Lower Nazareth Township, **Northampton County**. This facility is currently operating under Operating Permit 48-313-060A. All permit requirements shall be included in the State-only (Natural Minor) Operating Permit for this facility. This Operating Permit shall include emission restrictions, monitoring, recordkeeping and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, William R. Weaver, New Source Review Chief, (717) 705-4702.*

**01-03022: Agricultural Commodities, Inc.** (1585 Granite Station Road, Gettysburg, PA 17325) for operation of a poultry feed mill in Straban Township, **Adams County**. The facility has the potential to emit 72.3 tpy of PM, 20.3 tpy of SO<sub>2</sub> and 8.6 tpy of NOx, all after control. The facility wide (State-only) operating renewal permit shall contain testing, monitoring, recordkeeping and reporting requirements, emission restrictions, and work practice standards designed to keep the facility operating within all applicable air quality requirements.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, David Aldenderfer, Program Manager, (570) 327-3637.*

**19-00015: HRI, Inc.** (1750 West College Avenue, Suite 1), for operation of their Bloomsburg hot mix asphalt plant located in Hemlock Township, **Columbia County**. The facility's main source is a batch hot mix asphalt plant equipped with a 105 mmBtu/hr fuel oil fired aggregate dryer with the air contaminants controlled by a knockout box and a fabric collector operating in series. By taking a limit on the amount of asphalt concrete produced in any 12-consecutive month period (540,000 tons), this

facility has the potential to emit SO<sub>x</sub>, NO<sub>x</sub>, CO, VOCs, HAPs and PM<sub>10</sub> below the major emission thresholds.

**41-00006: High Steel Structures, Inc.** (3501 West Fourth Street, Williamsport, PA 17701) for the operation of a steel bridge support beam and concrete parking deck section manufacturing facility in the City of Williamsport, Lycoming County.

The facility incorporates a surface coating operation, a precast concrete production operation, various welding operations, 108 small natural gas-fired boilers, heaters and water heaters (with a total combined heat input of 29.25 mmBtu/hr), an MG burning machine, a shot blaster, two solvent parts washers, three diesel fuel-fired emergency generators (25.3, 25.3 and 15.1 brake horsepower, respectively), a 73.8 brake horsepower diesel fuel-fired engine and a 12 brake horsepower gasoline-fired engine. The PM emissions from the surface coating operation are controlled by panel filters and the PM emissions from the MG burning machine and the shot blaster are controlled by two cartridge collectors.

The facility has the potential to emit up to 50 tons of VOCs, 10 tons of any individual HAP, 25 tons of all HAPs combined, 15.37 tons of NO<sub>x</sub>, 12.84 tons of CO, 4.74 tons of PM/PM<sub>10</sub> and .09 ton of SO<sub>x</sub> per year.

The Department of Environmental Protection (Department) proposes to incorporate into the operating permit to be issued conditions requiring compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants as well as conditions previously contained in Operating Permit 41-318-045C, issued on April 4, 2001 (and subsequently amended on March 19, 2007, and June 2, 2008).

The conditions previously contained in Operating Permit 41-318-045 include:

1. A condition limiting the total combined emissions from the facility to less than 50 tons of VOCs, 10 tons of any single HAP, 25 tons of all HAPs combined and 20 tons of acetone in any 12-consecutive month period.

2. A condition requiring the cartridge collectors used to control the PM emissions from the facility's MG burning machine and shot blaster to be vented indoors at all times.

3. A condition requiring all exhausts from the paint bay incorporated in the facility's surface coating operation to be equipped with a full set of panel filters during any time the application of surface coating materials is occurring.

4. A condition limiting the coatings applied in the paint bay to primers, epoxies, urethanes, mastics, acrylics, alkyds or waterborne coatings.

5. A condition requiring all primers applied in the paint bay to be applied with air-assisted airless or electrostatic spray guns and all intermediate coatings and topcoats to be applied with electrostatic spray guns.

6. A condition limiting the VOC content of any primer used to 6.48 pounds per gallon of coating solids, on an as-applied basis, the VOC content of any intermediate coating used to 6.03 pounds per gallon of coating solids, on an as-applied basis, and the VOC content of any topcoat used to 6.08 pounds per gallon of coating solids, on an as-applied basis.

7. A condition limiting the VOC and VHAP contents of any primer used to 3.33 and 3.33 pounds per gallon, respectively, as received from the vendor or supplier, the VOC and VHAP contents of any intermediate coating

used to 3.0 and 2.96 pounds per gallon, respectively, as received from the vendor or supplier, and the VOC and VHAP contents of any topcoat used to 3.2 and .81 pounds per gallon, respectively, as received from the vendor or supplier.

8. A condition prohibiting the use of any thinner other than Carboline Thinner No. 225E (or alternate material containing only acetone) to thin coatings other than inorganic zinc primers unless the use of Carboline Thinner No. 225E (or alternate material containing only acetone) is demonstrated to the Department's satisfaction to be technically infeasible.

9. A condition prohibiting the presence of any VOCs or VHAPs in Carboline Thinner No. 225E.

10. A condition prohibiting the use of any thinner other than Carboline Thinner No. 237 (or alternate material determined by the Department to have an equivalent, or lower, air contaminant emission potential) to thin inorganic zinc primers unless the use of Carboline Thinner No. 237 is demonstrated to the Department's satisfaction to be technically infeasible.

11. A condition limiting the VOC and VHAP contents of Carboline Thinner No. 237 to 4.93 and zero pounds per gallon, respectively.

12. A condition prohibiting the use of any cleaning solvent in the paint bay other than Carboline Thinner No. 225E unless prior Department approval is obtained.

13. A condition requiring spray guns and lines to be cleaned by either flushing a solid liquid stream of solvent into a container or by soaking in an enclosed container of solvent, prohibiting solvent to be flushed into a container in the form of an atomized spray, prohibiting solvent from being flushed/sprayed into the atmosphere, requiring all containers of VOC-containing materials, VHAP-containing materials and acetone-containing materials to be closed except when taking material from the container or putting material into the container and requiring all solvent-wet rags to be kept in closed containers when not in actual use.

14. A condition requiring the maintenance, and quarterly submission, of records of the identity, type, amount, solids content, VOC content, content of each individual VHAP and acetone content of each material used in the paint bay each month, as received from the vendor or supplier, the mix ratio for each batch of coating used during each month to which an additive has been added or which has been mixed from multiple components, the VOC content of each batch of coating applied each month, on an as-applied basis, expressed as pounds of VOCs per gallon of coating solids, and the amount of VOCs, acetone and each individual HAP emitted each month from the paint bay from the use of each individual material used.

15. A condition requiring the maintenance, and quarterly submission, of records of the identity, amount, VOC content, content of each individual VHAP and acetone content of each VOC-containing material, VHAP-containing material and acetone-containing material used each month in facility operations other than the paint bay as well as the amount of VOCs, each individual HAP and acetone emitted each month from the use of each such material.

The Department additionally proposes to incorporate the following new conditions into the operating permit to be issued:

16. A condition stating that the facility is subject to the requirements of Subpart HHHHHH of the National Emis-

sion Standards for HAPs, 40 CFR 63.11169–63.11180 (Paint Stripping and Miscellaneous Source Coating Operations at Area Sources) unless these requirements are superseded by the requirements of Subpart XXXXXX, 40 CFR 63.11514–63.11523 (Nine Metal Fabrication and Finishing Source Categories).

17. Conditions limiting the operation of the facility's three emergency generators to no more than 500 hours each in any 12-consecutive month period and requiring the maintenance of records of the number of hours each generator operates each month.

18. Conditions limiting the total combined VOC emissions from the facility's two parts washers to less than 2.7 tons in any 12-consecutive month period, prohibiting the use of solvent in the parts washers to which a VHAP has intentionally been added and requiring the maintenance of records of the identity and amount of solvent added to the parts washers each month.

19. Conditions limiting the total combined VOC emissions and the total combined VHAP emissions from the facility's precast concrete production operation to less than 2.7 tons and less than 1.0 ton, respectively, in any 12-consecutive month period and requiring the maintenance of records of the identity, amount, VOC content and VHAP content of all VOC-containing materials and VHAP-containing materials used each month.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Barbara Hatch, Facilities Permitting Chief, (412) 442-4174.*

**63-00626: Washington Penn Plastic, Co., Inc.** (450 Racetrack Road, Washington, PA 15301) for manufacturing of custom compound purchased resins in Canton Township, **Washington County**.

**63-00565: Washington Penn Plastic, Co., Inc.** (450 Racetrack Road, Washington, PA 15301) for manufacturing of custom compound purchased resins in South Strabane Township, **Washington County**.

**63-00880: Washington Penn Plastic, Co., Inc.** (450 Racetrack Road, Washington, PA 15301) for manufacturing of custom compound purchased resins in South Strabane Township, **Washington County**.

**04-00681: Joseph J. Brunner, Inc.** (211 Brunner Road, Zelienople, PA 16063) for operation of landfill in New Sewickley, **Beaver County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Matthew Williams, New Source Review Chief, (814) 332-6940.*

**10-00281: II VI, Inc.** (375 Saxonburg Boulevard, Saxonburg, PA 16056-9430) for issuance of a Synthetic Minor Operating Permit to operate a facility that manufactures optical instruments, lenses, electro-optical products and radiation detection devices from gamma ray to infrared wavelengths in Clinton Township, **Butler County**. The facility's primary emission sources include a batch vapor degreaser, chemical vapor deposition units, hydrogen selenide gas production, thin film materials production, an isopropyl alcohol vapor degreaser and eight diesel emergency generators.

**10-00350: IDL Merchandising Group** (500 Grant Avenue, East Butler, PA 16029-0569) to issue a new State-only Operating Permit for the screen printing facility (nine printing presses, a screen wash unit, two spray booths, wood shop equipment and other insignificant sources) in East Butler Borough, **Butler County**. The sources were covered by plan approvals 10-350A and

10-350B. The permittee has a VOC emission limit of 49.5 tpy a single HAP emission limit of 9.8 tpy, and total HAPs emission limit of 24.8 tpy (each based on a consecutive 12-month rolling period). Each of the sources contains the restrictions, recordkeeping, reporting, work practice requirements and additional requirements as established in the plan approvals.

**33-00139: Owens-Brockway Glass Container—Plant No. 76, Inc.** (4189 Route 219, Brockport, PA 15823) for issuance of a Natural Minor Operating Permit for operation of the facility's air contamination source consisting of: miscellaneous natural gas combustion units (12.3 mmBtu/hr total), a machine/maintenance shop, paint booth, and two 30 gallon part washers. The facility is not subject to 40 CFR 63 Subpart SSSSSS (National Emission Standards for HAPs for Glass Manufacturing Area Sources). Plant No. 76 manufactures the machinery to make glass containers and is in Snyder Township, **Jefferson County**.

**37-00257: Mohawk Area School District—Mohawk Elementary School** (Mohawk School Road, Bessemer, PA 16112) to re-issue a Natural Minor Operating Permit for this educational facility in North Beaver Township, **Lawrence County**. The facility's primary emissions are from two tri-fuel boilers, and a water heater used to provide comfort heat and hot water to the school.

#### PLAN APPROVALS

**Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter B and Subchapter F. These actions may include the administrative amendments of an associated operating permit.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Sachin Shankar, New Source Review Chief, (484) 250-5920.*

**09-0188A: Gamesa Wind PA, LLC** (400 Gamesa Drive, Fairless Hills, PA 19030) for installation of a regenerative thermal oxidizer (RTO) to control VOC emissions from two existing spray booths at their wind generator manufacturing plant at USX Industrial Complex in Falls Township, **Bucks County**. The RTO will be equipped with low-NO<sub>x</sub> burners. This facility is a minor facility. The Plan Approval will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

#### COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1–1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301–3326); The Clean Streams Law (35 P.S. §§ 691.1–691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51–30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1–1406.21). Mining activity permits issued in response to applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001–4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1–693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101–6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of an application is available for inspection at the district mining office indicated before an application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

Written comments, objections or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the district mining office indicated before an application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining

which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor wishes to have the conference conducted in the locality of the proposed mining activities.

#### *Coal Applications Received*

**Effluent Limits**—The following coal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH <sup>1</sup>		greater than 6.0; less than 9.0	
Alkalinity greater than acidity <sup>1</sup>			

<sup>1</sup> The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: (1) surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and (2) drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

*California District Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100.*

**Permit No. 30841317. Consol Pennsylvania Coal Company, LLC**, (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Enlow Fork Mine, in East Finley Township, **Washington County**, United States Army Corps of Engineers, Pittsburgh District (Claysville, PA Quadrangle N 8.98 inches; W 2.02 inches, N 9.21 inches; W 1.47 inches).

This is a Chapter 105 Water Obstruction and Encroachment permit application (Stream Module 15), and 401 Water Quality Certification request, if applicable, submitted as part of the mining permit revision application to authorize the stream restoration to Templeton Fork to alleviate subsidence pooling impacts from longwall mining.

Written comments or objections on the request for section 401 Water Quality Certification or to the issuance of the Water Obstruction and Encroachment Permit,

(Stream Module 15) may be submitted to the Department within 30 days of the date of this notice to the District Mining Office identified previously. Comments should contain the name, address and telephone number of the person commenting, identification of the request for 401 Water Quality Certification and Chapter 105 permit application, (Stream Module 15) to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including relevant facts upon which they are based.

The Water Obstruction and Encroachment permit application is available for review at the California District Mining Office, by appointment, at the address listed previously.

Application received March 11, 2008.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**56080106 and NPDES No. PA0262650. Sherpa Mining Contractors, Inc.**, 337 Benny Road, Hooversville, PA 15936, commencement, operation and restoration of a bituminous surface and auger mine in Quemahoning and Shade Townships, **Somerset County**, affecting 318.8 acres. Receiving streams: Stonycreek River; UNTs to Stonycreek River classified for the following uses: TSF; CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority-Border Dam Intake. Application received May 21, 2008.

**56930108 and NPDES No. PA0212539. PBS Coals, Inc.,** P. O. Box 260, Friedens, PA 15541, permit renewal for the continued operation and restoration of a bituminous surface and coal refuse reprocessing mine in Stonycreek Township, **Somerset County**, affecting 86.0 acres. Receiving streams: UNT to and Schrock Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received June 3, 2008.

**32823005 and NPDES No. PA0607231. Blairsville Associates,** P. O. Box 157, Blairsville, PA 15717-0157, permit renewal for reclamation only of a bituminous surface and auger mine in Burrell and West Wheatfield Townships, **Indiana County**, affecting 367 acres. Receiving streams: UNT to Black Lick Creek and Palmers Run and UNTs to Roaring Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 28, 2008.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.*

**30080101 and NPDES Permit No. PA0251411. Fayette Coal & Coke, Inc.** (2611 Memorial Boulevard, Connellsville, PA 15425). Application for commencement, operation and reclamation of a bituminous surface mine, located in Dunkard Township, **Greene County**, affecting 46.8 acres. Receiving streams: UNTs to Dunkard Creek and Dunkard Creek, classified for the following use: WWF. The potable water supply intakes within 10 miles downstream from the point of discharge: Greensboro Water Authority and Masontown Water Authority. Application received May 28, 2008.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**17000107 and NPDES No. PA0242951. Shud's Coal Hounds, Inc.** (5757 Green Acre Road, Houtzdale, PA 16651), permit renewal for the continued operation and restoration of a bituminous surface mine in Woodward and Bigler Townships, **Clearfield County**, affecting 167.8 acres. Receiving streams: UNT to Morgan Run and Goss Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 14, 2008.

**17060103 and NPDES No. PA0256340. Waroquier Coal Company** (P. O. Box 128, Clearfield, PA 16830), revision of an existing bituminous surface mine to change

land use in Goshen Township, **Clearfield County**, affecting 17.5 acres. Receiving stream: Bloody Run to West Branch Susquehanna, classified for the following uses: CWF, WWF. There are no potable water supply intakes within 10 miles downstream. Application received May 23, 2008.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.*

**40030202R. McClure Enterprises, Inc.** (3 East McClure Avenue, Old Forge, PA 18518), renewal of an existing anthracite coal refuse reprocessing operation in Duryea and Hughestown Boroughs, **Luzerne County** affecting 159.0 acres, receiving stream: none. Application received May 30, 2008.

**54980201R2 and NPDES Permit No. PA0223930. A/C Fuels Company,** (1001 Industrial Road, Nesquehoning, PA 18240), renewal of an existing anthracite coal refuse reprocessing operation and NPDES Permit for discharge of treated mine drainage in Kline, Hazle and Banks Townships, **Schuylkill, Luzerne and Carbon Counties** affecting 197.5 acres, receiving stream: Catawissa Creek. Application received May 30, 2008.

**54830105R5. Joe Kuperavage Coal Company,** (916 Park Avenue, Port Carbon, PA 17965), renewal of an existing anthracite surface mine operation in Schuylkill Township, **Schuylkill County** affecting 412.66 acres, receiving stream: none. Application received June 4, 2008.

#### *Coal Applications Returned*

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.*

**02070102 and NPDES Permit No. 2051143. James R. Clarke** (716 Old Mill Road, Pittsburgh, PA 15238). Returned application for a bituminous surface mine, located in North Fayette Township, **Allegheny County**, affecting 144.4 acres. Receiving stream: UNTs to North Branch. Application received April 30, 2007. Application returned May 30, 2008.

#### *Noncoal Applications Received*

*Effluent Limits*—The following noncoal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.



A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**Permit No. 50080801. Barbara Beers**, 1360 Newport Road, Duncannon, PA 17020, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Miller Township, **Perry County**, affecting 1.5 acres, receiving streams: Losh Run. Application received May 30, 2008.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.*

**48980301C3 and NPDES Permit No. PA0223875. Chrin Brothers, Inc.** (635 Industrial Drive, Easton, PA 18042), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Williams Township, **Northampton County**, receiving stream: Lehigh River, classified for the following use: CWF. Application received May 29, 2008.

**7674SM1C10 and NPDES Permit No. PA0615312. Pennsy Supply, Inc.** (P. O. Box 3331, Harrisburg, PA 17105), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in South Lebanon and Jackson Townships, **Lebanon County**, receiving stream: Tulpehocken Creek, classified for the following use: CWF. Application received June 5, 2008.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Individuals will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Applications received under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1–693.27) and section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and requests for certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

## WATER OBSTRUCTIONS AND ENCROACHMENTS

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**E45-524. Henryville Fly Fishers**, Attn.: Richard Shackleton, 2119 Long Beach Boulevard, Ship Bottom, NJ 08008, in Paradise Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a stream restoration project along 2.5 miles of Paradise Creek (HQ-CWF) with work consisting of: 1) removing approximately 2 to 4 feet of accumulated silt and sediment from 14 pools at various locations within the 2.5 mile reach; 2) stabilizing the stream banks with boulders at various locations within the 2.5 mile reach; 3) installing two boulder deflectors along the left bank immediately downstream of the SR 0191 Bridge; and 3) Maintaining the existing stone dams and fish enhancement structures located within the 2.5 mile reach. The project will also temporarily impact 0.01 acre of PFO Wetlands for the purpose of constructing a temporary construction access road. The project begins approximately 0.5 mile northwest of the intersection of SR 0715 and SR 0191 and continues south along Paradise Creek to approximately 1.5 miles southeast of the intersection of SR 0715 and SR 0191 (East Stroudsburg, PA Quadrangle Latitude: 41° 6' 3"; Longitude: 75° 14' 57").

**E45-525. Penn Regional Business Center, LP**, Attn.: Donald DePete, 7 Bridges Road, Route 209, R. R. 5, Box 5348, East Stroudsburg, PA 18301, in Smithfield Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain 3 stormwater outfall structures with rip rap aprons along tributaries to Marshall Creek (HQ-CWF). The project is located 0.4 mile northeast of the intersection of SR 0209 and Gap View Drive (East Stroudsburg, PA Quadrangle Latitude: 41° 00' 48"; Longitude: 75° 07' 57").

**E45-526. Shawnee Holding, Inc.**, Attn: Steve Taggart, P. O. Box 67, 1 River Road, Shawnee, PA 18356, in Smithfield Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a timber truss suspension golf cart bridge having a span of approximately 250 feet and an underclearance of 26 feet across the Delaware River (WWF, MF). The project is located 0.5 mile southeast of the intersection of Shawnee on Delaware Lodge and SR 2028 (Bushkill, PA Quadrangle Latitude: 41° 00' 20"; Longitude: 75° 07' 00").

*Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**E44-135. David Frey, Lewistown Borough Recycling Center**, Borough of Lewistown, David Frey, 2 East

Third Street, Lewistown, PA 17044, Borough of Lewistown, **Mifflin County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a 50.0-foot by 100.0-foot building addition to an existing structure located in the floodplain of the Juniata River (WWF). The project is located at 207 Washington Avenue (Lewistown, PA Quadrangle N: 15.8 inches; W: 9.4 inches, Latitude: 40° 35' 14"; Longitude: 77° 34' 9") in the Borough of Lewistown, Mifflin County. The construction of the building will increase recycling capacity to accommodate a larger region.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.*

**E59-485. Douglas J. Grossman, Lowe's Home Centers, Inc.**, 250 Summerwind Lane, Harleysville, PA 19438. Standard Joint Water Obstruction Permit Application, in Richmond Township, **Tioga County**, United States Army Corps of Engineers, Susquehanna River Basin District (Mansfield, PA Quadrangle N: 41° 46' 3.26"; W: 77° 4' 16.37").

To fill a total of 0.14 acre of isolated emergent wetlands and construct and maintain 0.17 acre of mitigation wetlands in Richmond Township, Tioga County. The project is located south of the intersection of SR 0015 and SR 0660. This project proposes to have a minor impact on the UNT to the Tioga River, which is designated a WWF.

*Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E02-1581. Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676. To construct and maintain culverts in Marshall, Pine, Richland, Hampton Townships, **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District (beginning from Mars, PA Quadrangle North 5 inches; West 8.5 inches, Latitude 40° 39' 08"; Longitude 80° 03' 18"; and ending Glenshaw, PA Quadrangle North 20.5 inches; West 13.0 inches, Latitude 40° 37' 39"; Longitude 79° 59' 06"). The applicant proposes to construct and maintain:

1. A 117 ft long extension to an existing 290 ft long, 24 ft span, 13 ft rise, open bottom, concrete arch culvert and fill and maintain 0.49 acre of adjacent PEM/PSS wetland in North Fork Pine Creek (Chapter 93 CWF) with a drainage area of 2.43 square miles at Turnpike Mile Post (MP) 33.52.

2. A 60 ft long extension to a 325 ft long, 10 ft span 8 ft rise open bottom, concrete arch culvert extension in UNT to North Fork Pine Creek (CWF) with a drainage area of 230 acres at MP 34.25.

3. A 49 ft extension to a 249 ft long 72 inch diameter CMP in a UNT to Montour Run (TSF) with a drainage area of 121 acres at MP 35.15.

4. Two parallel, 48 inch diameter CPP replacement of a single 36 inch diameter CPP downstream of feature 3 and under an intersecting township road 574, with a drainage area of 272 acres.

5. A 58 ft long extension to an existing 117 ft long 16 ft span, 14 ft rise open bottom concrete arch culvert and a 712 ft long stream relocation in Montour Run (TSF) with a drainage area of 1.07 square miles at MP 35.34.

6. A 71 ft long extension to a 118 ft long 16 ft span, 12 ft rise open bottom concrete culvert in a UNT to Montour Run (TSF) with a drainage area of 1.18 square miles at MP 36.03.

7. A 48 ft long extension to a 152 ft long 72 inch diameter RCP in a UNT to Montour Run with a drainage area of 102 acres at MP 36.4.

8. A 4 ft long cap on the open section of a 286.3 ft long 10 ft by 6.5 ft rise concrete box culvert in a UNT to Brush Creek (WWF) with a drainage area of 0.45 square mile at MP 31.9.

9. Approximately 1,700 ft of culverted length and 2,500 ft of stream relocation in UNTs to Brush Creek (WWF), North Fork Pine Creek (CWF), Montour Run, Willow Run (TSF) with drainage areas less than 100 acres and associated stormwater outfalls.

In addition a total of 1.52 acres of PEM/PSS wetland will be filled and maintained. Wetland and stream mitigation is proposed at Allegheny County's North Park located in Pine Township, and within the North Branch Pine Creek Watershed. This project is associated with the larger, phased Turnpike Commission I-76 reconstruction and improvement work with these encroachments starting at Warrendale in Marshall Township and extending southeast thru Pine Township and into Richland Township for a total of 7 road miles in Allegheny County.

**E65-924. Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676. To construct and maintain relocation of Little Sewickley Creek in Hempfield Township and New Stanton Borough, **Westmoreland County**, United States Army Corps of Engineers, Pittsburgh District (beginning from Irwin, PA Quadrangle North 10.3 inches; West 6.9 inches, Latitude 40° 18' 24"; Longitude 79° 40' 28"; and ending Mount Pleasant, PA Quadrangle North 19.2 inches; West 1.1 inches, Latitude 40° 13' 51"; Longitude 79° 30' 28"). The applicant proposes to construct and maintain:

1. A 1,213 ft long relocation of Little Sewickley Creek (TSF) with a drainage area of 1.5 square miles.

2. A 58 ft long, extension of an existing ??? ft long 4 ft by 5 ft box culvert to Little Sewickley Creek with a drainage area of 134 acres.

3. A 1,906 ft long relocation of Little Sewickley Creek with a drainage area of 1.5 square miles.

4. A 132 ft long relocation of Little Sewickley Creek and an associated 70 ft long extension of an existing ??? ft long 6 ft by 7 ft box culvert with a drainage area of 1.5 square miles.

5. A 630 ft long relocation of Little Sewickley Creek with a drainage area of 1.5 square miles.

6. A 1,776 ft long relocation of Little Sewickley Creek and replacement of a 120 ft long bridge by a 260 ft long 14 ft by 10 ft box culvert with a drainage area of 1.9 square miles.

7. A 115 ft long extension to an existing ?? ft long 48 inch diameter culvert in a UNT to Sewickley Creek (WWF) with a drainage area of 100 acres.

8. A 550 ft long relocation and associated 50 ft extension to an existing ??? ft long 72 inch diameter culvert in a UNT to Sewickley Creek with a drainage area of 0.44 square mile.

9. A 241 ft long relocation to a UNT to Sewickley Creek with a drainage area of 0.65 square mile.

10. A 375 ft long relocation to a UNT to Sewickley Creek with a drainage area of 0.65 square mile.

11. A 345 ft long relocation to a UNT to Sewickley Creek with a drainage area of 137 acres.

12. A 60 ft long extension to an existing ?? ft long ?? inch diameter culvert in a UNT to Sewickley Creek (WWF) with a drainage area of 137 acres.

13. A 18 ft long relocation to a UNT to Sewickley Creek with a drainage area of 170 acres.

14. Approximately 88 ft of culvert and approximately 151 ft of stream relocation in UNTs to Little Sewickley Creek with drainage areas of less than 100 acres; approximately 262 ft of culvert and approximately 288 ft of stream relocation in UNTs to Sewickley Creek and associated stormwater outfalls.

In addition a total of 0.326 acre of PEM/PSS/PFO wetland will be filled and maintained. This project is associated with the larger, phased Turnpike Commission I-76 reconstruction and improvement work with these encroachments starting approximately at the southeast end of the Irwin interchange in Hempfield Township continuing approximately 7 miles southeast to the northeast end of the New Stanton interchange in New Stanton Borough and overlapping the encroachments authorized by E65-910.

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**E46-1029. The Cutler Group, Inc.,** 5 Apollo Road, Suite 1, Plymouth Meeting, PA 19462, Montgomery Township, **Montgomery County**, United States Army Corps of Engineers, Philadelphia District.

To relocate approximately 1,000 linear feet of a UNT to the Little Neshaminy Creek, in which 610 linear feet will be enclosed with twin 36-inch pipe RCP, along Bethlehem Pike. This site is located across the Montgomery Crossing Shopping Center (Ambler, PA USGS Quadrangle N: 20.5 inches; W: 3.00 inches).

**E23-471. DRPA,** 2 Riverside Drive, P. O. Box 1949, Camden, NJ 08101-1949, Chester City, **Delaware County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain an artificial island around the western main channel pier (W1) of the Commodore Barry Bridge to provide vessel collision protection within the Delaware River (WWF-MF). The project is split between Pennsylvania and New Jersey. The total open water impacts within Pennsylvania will be approximately 3.59 acres. This project is located in the vicinity of the intersection of Seaport Drive and Flower Street (SR 322) (Bridgeport, NJ USGS Quadrangle N: 17.4 inches; W: 15.3 inches).

## ACTIONS

### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

The Department of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent (NOI) for coverage under general permits. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal wastes; discharges to groundwater
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

Sections I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOIs for coverage under general NPDES permits. The approval for coverage under general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in each general permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. Permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

## I. NPDES Renewal Permit Actions

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA-0011185 (Minor Industrial Waste)	Air Products and Chemicals, Inc. 7201 Hamilton Boulevard Allentown, PA 18195-1501	Lehigh County Upper Macungie Township	Iron Run 2C	Y

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0085375 (IW)	Newport Borough Water Authority 231 Market Street Newport, PA 17074-1590	Perry County Oliver Township	Juniata River 12-B	Y
PA0046221 (Sew)	Newville Borough Water and Sewer Authority 99 Cove Alley Newville, PA 17241	Cumberland County Newville Borough	Big Spring Creek 7-B	Y

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0239208	Catherine M. and John A. McIntyre 2510 Old Route 422 East Fenelton, PA 16034-9404	Clearfield Township Butler County	UNT to Little Buffalo Run 18-F	Y
PA0222496	Summerville Borough Municipal Authority P. O. Box 278 Summerville, PA 15864-0278	Summerville Borough Jefferson County	Runaway Run 17-C	Y

## II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**NPDES Permit No. PA0058637**, Industrial Waste, **Moyer's Chicks, Inc.**, 266 East Paletown Road, Quakertown, PA 18951. This proposed facility is located in Richland Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge 15,000 gpd of noncontact cooling water into a UNT to Morgan Creek in Watershed 2D.

**NPDES Permit No. PA0055395**, Sewage, **Green Top Park, Inc.**, 2465 Milford Square Pike, Quakertown, PA 18951. This proposed facility is located in West Rockhill Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage into a UNT to Tohickon Creek in Watershed 2D.

**NPDES Permit No. PA0058041**, Sewage, **Limerick Township Municipal Authority**, 529 King Road, P. O. Box 29, Royersford, PA 19468. This proposed facility is located in Limerick Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage from Possum Hollow STP to the Schuylkill River in Watershed 3D.

**NPDES Permit No. PA0031178**, Sewage, **Melody Lakes Management, LLC**, 1045 North West Boulevard, Lot 600, Quakertown, PA 18951. This proposed facility is located in Richland Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage into a UNT to Tohickon Creek in Watershed 2D.

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**NPDES Permit No. WQG01280801**, Sewage, **John L. Cover**, 8337 McClays Mill Road, Newburg, PA 17240. This proposed facility is located in Lurgan Township, **Franklin County**.

Description of Proposed Action/Activity: Construction/Operation of a small flow sewage treatment system to serve their single-family residence adjacent to 8337 McClays Mill Road.

**NPDES Permit No. 2107408**, Sewage, **Newville Borough Water and Sewer Authority**, 99 Cove Alley, Newville, PA 17241. This proposed facility is located in Newville Borough, **Cumberland County**.

Description of Proposed Action/Activity: Construction/Operation consisting of: addition of BNR treatment through construction of wastewater screens, two SBR's, UV disinfection and construction of Treatment Unit No. 1 to aerobic digester.

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**PA0229105**, CAFO, SIC 0213 and 0251, **Garreau Farm**, 318 Black Run Road, Lewisburg, PA 17837. This existing facility is located in Buffalo Township, **Union County**.

Description of Proposed Activity: Garreau Farm is an existing finishing swine and poultry—broiler farm, totaling 479.5 Animal Equivalent Units.

The water body nearest to this facility is Black Run in the Buffalo Creek Watershed (SWP-10C) which has a designated use of HQ-CWF.

Except for the chronic or catastrophic rainfall events defined as over 25 year/24 hour rain storms, the CAFO permit is a nondischarge NPDES permit. Where applicable compliance with 40 CFR Federal effluent limitation guidelines is required. The permit requires no other numeric effluent limitations. Compliance with the Pennsylvania Nutrient Management Act and The Clean Streams Law constitutes compliance with State narrative water quality standards.

In addition to the effluent limits, the permit contains the following major special conditions.

1. Compliance with the Farm's Nutrient Management Plan.
2. Compliance with the Farm's Preparedness, Prevention and Contingency Plan.
3. Compliance with the Farm's Erosion and Sedimentation Control Plan for plowing and tilling.
4. Erosion and Sedimentation Control Plan requirements for stormwater during construction activities.
5. Animal mortality handling and disposing requirements.
6. Certification requirements for manure storage facilities.
7. Requirements for storage of feed and other raw materials.
8. Best Management Practices requirements.

The EPA waiver will not be in effect.

**PA0233544**, CAFO, SIC 0213, **Cleveland Pork**, 182 Center School Road, Elysburg, PA 17824. This existing facility is located in Cleveland Township, **Columbia County**.

Description of Proposed Activity: Cleveland Pork is a proposed finishing swine farm, totaling 580.24 Animal Equivalent Units. The farm will have a single underbarn manure storage facility with a usable capacity of 1,486,000 gallons.

The water body nearest to this facility is a UNT to Mugser Run in the Roaring Creek Watershed (SWP-05E) which has a designated use of HQ-CWF.

Except for the chronic or catastrophic rainfall events defined as over 25 year/24 hour rain storms, the CAFO permit is a nondischarge NPDES permit. Where applicable compliance with 40 CFR Federal effluent limitation guidelines is required. The permit requires no other numeric effluent limitations. Compliance with the Pennsylvania Nutrient Management Act and The Clean Streams Law constitutes compliance with State narrative water quality standards.

In addition to the effluent limits, the permit contains the following major special conditions.

1. Compliance with the Farm's Nutrient Management Plan.
2. Compliance with the Farm's Preparedness, Prevention and Contingency Plan.
3. Compliance with the Farm's Erosion and Sedimentation Control Plan for plowing and tilling.
4. Erosion and Sedimentation Control Plan requirements for stormwater during construction activities.
5. Animal mortality handling and disposing requirements.
6. Certification requirements for manure storage facilities.
7. Requirements for storage of feed and other raw materials.
8. Best Management Practices requirements.
9. Minimum 7 inch freeboard requirement.

The EPA waiver will not be in effect.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**NPDES Permit No. PA0222437**, Sewage, **PEC Management**, 1250 Tower Road, Erie, PA 16505. This proposed facility is located in East Lackawannock Township, **Mercer County**.

Description of Proposed Action/Activity: New NPDES permit for an existing discharge of treated sewage.

**NPDES Permit No. PA0034738**, Sewage, **Coolspring, Inc.**, 835 Perry Highway, Mercer, PA 16137. This proposed facility is located in East Lackawannock Township, **Mercer County**.

Description of Proposed Action/Activity: This application is for a new (Part I) Permit for a treated nonmunicipal sewage discharge.

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**III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)**


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*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**WQM Permit No. 5408401**, Sewerage, **Wayne Township Municipal Authority**, P. O. Box 97, Friedensburg, PA 17933. This proposed facility is located in Wayne Township, **Schuylkill County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for the construction of a gravity sanitary sewage collection system to service the Route 443—Long Run Corridor area.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**WQM Permit No. 1907401**, Sewage 4952, **Municipal Authority of the Town of Bloomsburg**, 301 East Second Street, Bloomsburg, PA 17815. This proposed facility is located in Town of Bloomsburg, **Columbia County**.

Description of Proposed Action/Activity: The applicant proposes to flood proof and renovate their existing sewage plant for nitrogen and phosphorus removal.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**WQM Permit No. 3796401**, Sewerage, **New Castle City Sanitary Authority Lawrence County**, 110 East Washington Street, New Castle, PA 16101. This proposed facility is located in City of New Castle, **Lawrence County**.

Description of Proposed Action/Activity: This is an addition of a Rotary Drum Thickener for Waste Activated Sludge at the New Castle Sanitation Authority Wastewater Treatment Plant.

**WQM Permit No. WQG018622**, Sewerage, **Marjorie A. Wallace**, 202 North Skytop Road, Edinboro, PA 16412. This proposed facility is located in Washington Township, **Erie County**.

Description of Proposed Action/Activity: A single Residence Sewage Treatment Plant.

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA.*

**WQM Permit No. 4608403**, Sewerage, **Whitemarsh Township**, 616 Germantown Pike, Lafayette Hill, PA 19444. This proposed facility is located in Whitemarsh Township, **Montgomery County**.

Description of Action/Activity: The removal and replacement of existing belt filter press and associated appurtenances.

**WQM Permit No. 1508404**, Sewerage, **Upper Uwchlan Township**, 140 Pottstown Pike, Chester Springs, PA 19425. This proposed facility is located in Upper Uwchlan Township, **Chester County**.

Description of Action/Activity: Reconstruction and continued operation of existing treatment plant with a new Membrane Bioreactor. The reconstruction system will have design capacity of 15,000 gpd.

**WQG02-230809**, Sewerage, **Middletown Township Sewer Authority**, 1082 Bethel Road, Boothwyn, PA 19061. This proposed facility is located in Bethel Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a pump station and sewer extension.

**WQM Permit No. 4605410, Amendment**, Sewerage, **East Norriton-Plymouth-Whitpain Joint Sewer Authority**, 200 Ross Street, Plymouth Meeting, PA 19462. This proposed facility is located in Plymouth Township, **Montgomery County**.

Description of Action/Activity: A new headworks building two new influent fine screens, a manual bar rack, two new grit chambers, conversion of gas chlorine to sodium hypochlorite generation, a new secondary clarifier, a centrifuge, replacement of three return activated sludge pumps and a scum pump station.

**WQM Permit No. 4607411**, Sewerage, **Hatfield Township Municipal Authority**, 3200 Advance Lane, Colmar, PA 18915. This proposed facility is located in Hatfield Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a new pumping station.

**WQM Permit No. 1586408-T2, Transfer**, Sewerage, **Little Washington Wastewater Company, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489. This proposed facility is located in Willistown Township, **Chester County**.

Description of Action/Activity: Permit transferred from Deerfield Knoll Home Association.

**WQM Permit No. 4608401**, Sewerage, **Upper Gwynedd Township**, 261 Township Road, North Wales, PA 19454. This proposed facility is located in Upper Gwynedd Township, **Montgomery County**.

Description of Action/Activity: Construction of effluent filtration.

**WQM Permit No. 4607408**, Sewerage, **Little Washington Wastewater Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489. This proposed facility is located in Upper Merion Township, **Montgomery County**.

Description of Action/Activity: Sewers, pump station, force main and collection system to serve a proposed mixed use development.

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**IV. NPDES Stormwater Discharges from MS4 Permit Actions**


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**V. NPDES Waiver Stormwater Discharges from MS4 Actions**


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**VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**


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*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**NPDES**

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI-0328-06-006	Divinity Investments, LLC Bob Hickery P. O. Box 1180 Chambersburg, PA 17201	Berks	Antrim Township	Muddy Run HQ-CWF
PAI-0305-07-004	Steckman Ridge, LP 890 Winter Street Suite 300 Waltham, MA 02451	Bedford	Monroe Township	Sideling Hill Creek—Shaffer Run EV-HQ

**VII. Approvals to Use NPDES and/or Other General Permits**

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

**List of NPDES and/or Other General Permit Types**

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

*General Permit Type—PAG-2**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Plains Township Luzerne County	PAG2004003016R	Mericle Properties Attn: Robert Mericle 100 Baltimore Drive Wilkes-Barre, PA 18702	Laurel Run CWF	Luzerne County Conservation District (570) 674-7991
Hanover Township Luzerne County	PAG2004006033(1)	Earth Conservancy 100 South Main Street Ashley, PA 18706	Warrior Creek CWF	Luzerne County Conservation District (570) 674-7991
North Lebanon Township Lebanon County	PAG2003807020	Niraj Parekh 410 Hartman Bridge Road P. O. Box 16 Strasburg, PA 17579	Tulpehocken Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
North Cornwall Township Lebanon County	PAG2003808004	Dennis J. Schmidt Lebanon CP, LP 1000 North Front Street Suite 500 Wormeysburg, PA 17043	Quittapahilla Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4

*Facility Location:  
Municipality &  
County**Permit No.**Applicant Name & Address**Receiving Water/Use**Contact Office &  
Phone No.*

South Lebanon  
Township  
Lebanon County

PAG2003808009

Charles Blankenship  
Lebanon Valley Economic  
Development Corporation  
445 Schaeffer Road  
Lebanon, PA 17042

Quittapahilla Creek  
TSF

Lebanon County  
Conservation District  
2120 Cornwall Road  
Suite 5  
Lebanon, PA 17042  
(717) 272-3908, Ext. 4

North Cornwall  
Township  
Lebanon County

PAG2003803016R

Lebanon Valley Catholic Home  
t/a Heritage Commons  
2320 West Oak Street  
Lebanon, PA 17042

Snitz Creek  
TSF

Lebanon County  
Conservation District  
2120 Cornwall Road  
Suite 5  
Lebanon, PA 17042  
(717) 272-3908, Ext. 4

South Lebanon  
Township  
Lebanon County

PAG2003808008

Marianne T. Bartley  
Lebanon School District  
1000 South 8th Street  
Lebanon, PA 17042

Quittapahilla Creek  
TSF

Lebanon County  
Conservation District  
2120 Cornwall Road  
Suite 5  
Lebanon, PA 17042  
(717) 272-3908, Ext. 4

Centre County  
Ferguson Township

PAG2001408009

Mark Kunkle  
Tom Tudek Memorial Park  
Phase II  
Ferguson Township  
3147 Research Drive  
State College, PA 16801

UNT to Spring  
Creek  
CWF

Centre County  
Conservation District  
414 Holmes Avenue  
Suite 4  
Bellefonte, PA 16823  
(814) 355-6817

Centre County  
Rush Township

PAG2001408010

Windy Hill Village  
Rodney Fenstermacher  
Presbyterian Homes  
1217 Slate Hill Road  
Camp Hill, PA 17011

Cold Stream  
CWF

Centre County  
Conservation District  
414 Holmes Avenue  
Suite 4  
Bellefonte, PA 16823  
(814) 355-6817

Columbia County  
Hemlock Township  
Mt. Pleasant  
Township

PAG2001908004

Department of Transportation  
Engineering District 3-0  
715 Jordan Avenue  
Montoursville, PA 17754-0218

Little Fishing Creek  
CWF

Columbia County  
Conservation District  
702 Sawmill Road  
Suite 204  
Bloomsburg, PA  
17815  
(570) 784-1310,  
Ext. 102

Beaver County  
Chippewa Township

PAG2000408011

Demetrios Pappan  
Sean & Co., LP  
2304 Broadhead Road  
Aliquippa, PA 15001

Wallace Run  
WWF

Beaver County  
Conservation District  
(724) 378-1701

Cambria County  
Richland Township

PAG2001108004

James Vasilko  
East Hills Commons, LLC  
695 Solomon Run Road  
Johnstown, PA 15904

UNT Sandy Run  
CWF

Cambria County  
Conservation District  
(814) 472-2120

Greene County  
Cumberland  
Township

PAG2003008007

R. J. Lee Group, Inc.  
350 Hochberg Road  
Monroeville, PA 15146

UNT to Little  
Whiteley Creek  
WWF

Greene County  
Conservation District  
(724) 852-5278

Washington County  
South Strabane  
Township

PAG2006308002

Meadows Landing Associates,  
LP  
650 Washington Road  
Suite 400  
Pittsburgh, PA 15228

UNT to Chartiers  
Creek  
WWF

Washington County  
Conservation District  
(724) 228-6774

Washington County  
Cross Creek and  
Independence  
Townships

PAG2006308013

Independence-Cross Creek Joint  
Sewer Authority  
16 Campbell street  
P. O. Box 156  
Avella, PA 15312

Cross Creek—North  
Fork and Middle  
Fork  
WWF

Washington County  
Conservation District  
(724) 228-6774



*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Butler Township Butler City Butler County	PAG2 0010 08 008	Larry Moore Butler Health System 911 Brady Street Butler, PA 16001	UNT Connoquenessing Creek	Butler County Conservation District (724) 284-5270
McKean Borough Erie County	PAG2 0025 08 012	HANDS 502 East 12th Street Erie, PA 16503	Elk Creek Lake Erie Watershed WWF; MF	Erie County Conservation District (814) 825-6403

*General Permit Type—PAG-3*

*Facility Location &  
Municipality*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
York County West Manchester Township	PAR203609	John Paschal Taylor Equipment Machine Tool Corporation 319 North Church Avenue Louisville, KY 39339	UNT Codorus Creek WWF 7-H	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Cumberland County Lower Allen Township	PAR123556	James W. Kurtz Dairy Farmers of America, Inc. 4825 Old Gettysburg Road Mechanicsburg, PA 17055	Cedar Run CWF 7-E	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Sandy Township Clearfield County	PAR804848	Sheetz, Inc. 5700 Sixth Avenue Altoona, PA 16602	Slab Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664

*General Permit Type—PAG-4*

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
East Rockhill Township Bucks County	PAG040086	Daniel and Joan Ball 2057 Buck Run Road Quakertown, PA 18951	UNT to Tohickon Creek in Watershed 2E-Common	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Franklin County Lurgan Township	PAG043874	John L. Cover 8337 McClays Mill Road Newburg, PA 17240	UNT Paxton Run WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
South Beaver Township Beaver County	PAG046140	Janet L. Karczewski 115 Lemp Way Darlington, PA 16115	Tributary to North Fork of Little Beaver Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Greenfield Township Erie County	PAG049436	Robert M. King 8352 Dougan Road North East, PA 16428-5528	UNT to Eight Mile Creek 15-8M	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*Facility Location:  
Municipality &  
County*

Washington Township  
Erie County

*Permit No.*

PAG049433

*Applicant Name & Address*

Marjorie A. Wallace  
202 North Skytop Road  
Edinboro, PA 16412

*Receiving Water/Use*

UNT to Little  
Conneauttee Creek  
16A

*Contact Office &  
Phone No.*

DEP—NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA  
16335-3481  
(814) 332-6942

*General Permit Type—PAG-5*

*Facility Location:  
Municipality &  
County*

Parkside Borough  
Delaware County

*Permit No.*

PAG050075

*Applicant Name & Address*

American Auto Wash, Inc.  
512 East King Road  
Malvern, PA 19355

*Receiving Water/Use*

Ridley Creek

*Contact Office &  
Phone No.*

Southeast  
Region Office  
2 East Main Street  
Norristown, PA 19401

City of Hermitage  
Mercer County

PAG058380

United Refining Company of  
Pennsylvania  
P. O. Box 688  
Warren, PA 16365

UNT to Pine Run

DEP—NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA  
16335-3481  
(814) 332-6942

*General Permit Type—PAG-8*

*Facility Location &  
County/ Municipality*

Derry Township  
Dauphin County

*Permit No.*

PAG083518

*Applicant Name & Address*

Derry Township Municipal  
Authority  
670 Clearwater Drive  
Hershey, PA 17033

*Site Name &  
Location*

Derry Township  
Municipal Authority  
WWTP

*Contact Office &  
Phone No.*

DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
(717) 705-4707

*General Permit Type—PAG-12*

*Facility Location &  
Municipality*

Derry Township  
Montour County

*Permit No.*

PAG124831

*Applicant Name & Address*

Montour Farms  
4070 Mountain Road  
Beamsville, Ontario L0R 1B7

*Receiving Water/Use*

Mud Creek  
WWF

*Contact Office &  
Phone No.*

Northcentral  
Regional Office  
Watershed  
Management  
Program  
208 West Third  
Street  
Suite 101  
Williamsport, PA  
17701  
(570) 327-0529

Lower Mahanoy  
Township  
Northumberland  
County

PAG124832

Curvin Martin  
HCR 68 Box 74  
Dalmatia, PA 17017

UNT to Mahantango  
Creek  
WWF

Northcentral  
Regional Office  
Watershed  
Management  
Program  
208 West Third  
Street  
Suite 101  
Williamsport, PA  
17701  
(570) 327-0529

*General Permit Type—PAG-13*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>DEP Protocol (Y/N)</i>
PAG133707	Upper Allen Township 100 Gettysburg Pike Mechanicsburg, PA 17055	Cumberland County	Upper Allen Township	Yellow Breeches Creek CWF Trindle Springs Run CWF Cedar Run CWF	Y

## PUBLIC WATER SUPPLY (PWS) PERMITS

The Department of Environmental Protection has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### SAFE DRINKING WATER

#### Actions taken under the Pennsylvania Safe Drinking Water Act

*Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Permit No. 4608507, Minor Amendment, Public Water Supply.**

Applicant	<b>North Penn Water Authority</b> 300 Forty Foot Road P. O. Box 1659 Lansdale, PA 19446
Borough or Township	Various Municipalities
County	<b>Montgomery</b>
Type of Facility	PWS

Consulting Engineer North Penn Water Authority  
300 Forty Foot Road  
P. O. Box 1659  
Lansdale, PA 19446

Permit to Construct  
Issued June 3, 2008

**Permit No 1507507, Major Amendment, Public Water Supply.**

Applicant	<b>Phoenix Mobile Home Park</b> 1330 Charlestown Road Phoenixville, PA 19460
Township	Schuylkill
County	<b>Chester</b>
Type of Facility	PWS
Consulting Engineer	R T Environmental Services, Inc. 215 West Church Road King of Prussia, PA 19406
Permit to Operate Issued	June 4, 2008

**Permit No 4608504, Public Water Supply.**

Applicant	<b>New Life Youth and Family Services</b> 585 Freeman School Road Schwenksville, PA 19473
Township	Lower Salford/Upper Salford
County	<b>Montgomery</b>
Type of Facility	PWS
Consulting Engineer	Carroll Engineering Corporation 555 Second Avenue Collegeville, PA 19426
Permit to Construct Issued	February 6, 2008

*Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Permit No. 3480046, Operations Permit, Public Water Supply.**

Applicant	<b>Bethlehem Authority</b> 10 East Church Street Bethlehem, PA 18018
County	Lehigh Township
Type of Facility	<b>Northampton</b> PWS

Consulting Engineer Phillip McLachlan, P. E.  
Malcolm Pirnie, Inc.  
111 South Independence  
Mall—East  
Suite 1010  
Philadelphia, PA 19106

Permit to Operate May 14, 2008  
Issued

**Permit No. 2406006, Operations Permit, Public Water Supply.**

Applicant **Glen Summit Springs Water Company, Inc.**  
P. O. Box 129  
Mountain Top, PA 18707  
Wright Township

County **Luzerne**  
Type of Facility Bottled Water Facility  
Consulting Engineer N/A  
Permit to Operate May 16, 2008  
Issued

**Permit No. 3396420, Operations Permit, Public Water Supply.**

Applicant **Nestle Waters North America, Inc.**  
405 Nestle Way  
Breinigsville, PA  
Upper Macungie Township

County **Lehigh**  
Type of Facility Bottling Plant  
(bottling line 9 and overall clean  
in place system, modifications at  
frontier spring 1 water loading  
facility and the addition of  
mattos spring as a passby flow)

Consulting Engineer Ed Davis, P. E.  
Forino Co., LP  
555 Moutain Home Road  
Sinking Spring, PA

Permit to Operate June 2, 2008  
Issued

**Permit No. 3540070, Operations Permit, Public Water Supply.**

Applicant **Aqua Pennsylvania, Inc.**  
204 East Sunbury Street  
Shamokin, PA  
Hazle Township

County **Luzerne**  
Type of Facility Public Water System  
(Eagle Rock distribution system  
improvements)

Consulting Engineer CET Engineering Services  
1240 North Mountain Road  
Harrisburg, PA

Permit to Operate May 14, 2008  
Issued

**Permit No. 4007506, Public Water Supply.**

Applicant **C & N Dining, LLC**  
P. O. Box 70  
Dallas, PA 18612

Dallas Township

County **Luzerne**  
Type of Facility PWS  
Consulting Engineer Michael P. Goodwin, P. E.  
Milnes Engineering, Inc.  
12 Frear Hill Road.  
Tunkhannock, PA 18657

Permit to Construct May 23, 2008  
Issued

**Permit No. 4807504, Public Water Supply.**

Applicant **Pennsylvania American Water**  
800 West Hersheypark Drive  
Hershey, PA 17033

Pen Argyl and Roseto Boroughs  
Plainfield, Washington and  
Upper Mt. Bethel Townships

County **Northampton**  
Type of Facility PWS  
Consulting Engineer James P. Conner, P. E.  
Pennsylvania American Water  
100 North Pennsylvania Avenue  
Wilkes-Barre, PA 18701

Permit to Construct August 21, 2007  
Issued

*Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit No. M.A.—5998501—Operation, Public Water Supply.**

Applicant **Wellsboro Municipal Authority**

Township or Borough Charleston Township  
County **Tioga**  
Responsible Official John Orr, Chairperson  
Wellsboro Municipal Authority  
28 Crafton Street  
Wellsboro, PA 16901

Type of Facility Public Water Supply—Operation  
Consulting Engineer William S. Bray, P. E.  
P. O. Box 535  
Wellsboro, PA 16901

Permit Issued Date June 6, 2008

Description of Action Operation of the flow meters and  
data loggers at Rock Run, Lower  
Clark and Willis Run intakes,  
water level loggers at  
Dusenberry, Quarry and Middle  
Wells and new Lower Clark  
Intake on Charleston Creek.

**Muncy Borough Municipal Authority, (Public Water Supply), Lycoming County:** The Source Water Protection (SWP) report for Muncy Borough Municipal Authority has been approved on June 3, 2008. Muncy Borough Municipal Authority personnel are to be commended for taking these proactive steps to protect these water sources for their community. Development of the program was funded, in part, by a SWP grant (L. Richard Adams, (570) 321-6581).

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit No. 5608503, Public Water Supply.**

Applicant **Borough of Somerset**  
340 West Union Street  
Somerset, PA 15501

Borough or Township Somerset Township

County **Somerset**

Type of Facility Water treatment plant

Consulting Engineer The EADS Group, Inc.  
450 Aberdeen Drive  
Somerset, PA 15501

Permit to Construct June 5, 2008  
Issued

**Permit No. 5056A3, Public Water Supply.**

Applicant **Borough of Tarentum**  
318 Second Avenue  
Tarentum, PA 15084

Borough or Township Tarentum Borough

County **Allegheny**

Type of Facility Water treatment plant

Consulting Engineer Gibson-Thomas Engineering Co.,  
Inc.  
1004 Ligonier Street  
P. O. Box 853  
Latrobe, PA 15650

Permit to Construct June 5, 2008  
Issued

**Operations Permit** issued to **Spangler Municipal Authority**, 1202 Philadelphia Avenue, Northern Cambria, PA 15714 (PWSID No. 4110032) Northern Cambria Borough and Barr Township, **Cambria County** on June 5, 2008, for the operation of facilities approved under Construction Permit No. 1106502.

**Operations Permit** issued to **Outlook Point Commons**, 498 Lisbon Road, Darlington, PA 16115 (PWSID No. 5040847) Ohioville Borough, **Beaver County** on June 5, 2008, for the operation of facilities approved under Construction Permit No. 0407507.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted under section 5 of the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)**

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Robeson Township	2689 Main Street Birdsboro, PA 19508	Berks
Union Township	177 Center Road Douglassville, PA 19518	Berks

*Plan Description:* The approved Plan provides for the construction of a public sewer system project utilizing drip irrigation disposal to serve the Geigertown area of Robeson and Union Townships as defined in the Plan.

The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995**

**PREAMBLE 2**

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a Site-Specific Standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Defense Supply Facility**, City of Philadelphia, **Philadelphia County**. Gary R. Brown, P. E., RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Jonathan Zich, Defense Realty, LLC, 575 Lexington Avenue, Suite 3200, New York, NY 10022 has submitted a Risk Assessment Report and Cleanup Plan concerning remediation of site groundwater contaminated with jet fuel. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Alex Auto Repair**, Southampton Township, **Bucks County**. Alan Hirschfeld, Independent Project Consultant, P. G., 219 Laureen Road, Schwenksville, PA 19473 on behalf of John Gonzales, Law Office of John J. Gonzales, P. C., 1200 Bustleton Pike, Feasterville, PA 19053 has submitted a Final Report concerning remediation of site media contaminated with contaminant. The report is intended to document remediation of the site to meet the standards and/or special industrial area requirements.

**US Steel Fairless Works 2.70 KIPC**, Falls Township, **Bucks County**. Jeffery Smith, Langan Engineering and Environmental Services, 30 South 17th Street, Suite 1300, Philadelphia, PA 19103 on behalf of Kathleen Mayher, United States Steel Corporation, 600 Grant Street, Philadelphia, PA 15219 has submitted a Remedial Investigation/Final Report concerning remediation of site soil contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**7401 State Road**, City of Philadelphia, **Philadelphia County**. Scott Alderfer, Penn Environmental & Remediation, Inc., 2755 Bergery Road, Hatfield, PA 19440 on behalf of William Nolan, State Road Storage, LP, 4541 Bellaire Drive, South, Suite 100, Fort Worth, TX 76109 has submitted a Final Report concerning remediation of site groundwater contaminated with PAH's and chlorinated solvents. The report is intended to document remediation of the site to meet the Statewide Health and Site-Specific Standard.

**Willard Elementary School**, City of Philadelphia, **Philadelphia County**. Gloria Hunsberger, Kleinfelder, East Inc., 800 East Washington Street, Philadelphia, PA 19380 on behalf of Francie Locke, School District of Philadelphia Environmental, 440 North Broad Street, 3rd Floor, Room 3053, Philadelphia, PA 19103 has submitted a Remedial Investigation/Cleanup Plan concerning remediation of site soil contaminated with inorganics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**US Steel Fairless Works 73.86 KICP**, Falls Township, **Bucks County**. Colleen Costello, Langan Engineering and Environmental Services, 30 South 17th Street, Suite 1300, Philadelphia, PA 19103, Jeffery Smith, Langan Engineering and Environmental Services, 30 South 17th Street, Suite 1300, Philadelphia, PA 19103 on behalf of Kathleen Mayher, United States Steel Corporation, 600 Grant Street, Pittsburgh, PA 15219 has submitted a Remedial Investigation/cleanup Plan and Final Report concerning remediation of site soil contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard/Statewide Health Standard.

**Smith Property**, Bensalem Township, **Bucks County**. Jason Free, PT Consultants, Inc., 1200 North Delsea Drive, Westville, NJ 08093 on behalf of Michael Smith, The GST Group, 2201 Bristol Pike, Bensalem, PA 19020 has submitted a Final Report concerning remediation of site soil contaminated with benzene, naphthalene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Gulf Service Station**, Doylestown Borough, **Bucks County**. Bruno Mercuri Mercuri & Association, Inc., 627 Hampton Avenue, Southampton, PA 18966 on behalf of Charles Livezey, Gulf Service Station, 216 South Main Street, Doylestown, PA 18901 has submitted a Final Report concerning remediation of site groundwater con-

taminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Background Standard.

**Atoll Property**, Royersford Borough, **Montgomery County**. Craig Herr, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Joseph Price, The Riverwalk at Royersford, LP, 721 Dresher Road, Horsham, PA 19044 has submitted a Final Report concerning remediation of site groundwater contaminated with chlorinated solvents and other organics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Navy Yard Fire Training Area & Brig Site**, City of Philadelphia, **Philadelphia County**. Bill Fisher, AIA Liberty Property/Synterra Limited Partnership, L/S 26th Street North, LP, Eight Penn Center, 1628 John F. Kennedy Boulevard, Suite 1100, Philadelphia, PA 19103, Jamey Stynchula, P. G., Pennoni, One Drexel Plaza, 3001 Market Street, Philadelphia, PA 19104 has submitted a Baseline Environmental Report concerning remediation of site groundwater and soil contaminated with solvents, btx, PAHs metals, semivolatiles and mercury. The report is intended to document remediation of the site to meet the Special Industrial Area.

**USPS 30th Street VMF**, City of Philadelphia, **Philadelphia County**. Glenn Randall, URS Corporation, 335 Commerce Drive, Fort Washington, PA 19034 on behalf of Cheryl Drach, United States Postal Service, 22 West Maple Avenue, 2nd Floor, Merchantville, NJ 08109 has submitted a Final Report concerning remediation of site soil contaminated with chlorinated solvent. The report is intended to document remediation of the site to meet the Statewide Health Standard/Site-Specific Standard.

*Northeast Region: Ronald S. Brezinski, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Johnson Property**, Smithfield Township, **Monroe County**. Alternative Environmental Solutions, Inc., 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602 has submitted a Final Report package (on behalf of their client, A. J. Johnson, DJ Service Center, P. O. Box 623, Greentown, PA 18426), concerning the remediation of soils found to have been impacted by contaminants associated with the operation and maintenance of an automobile service and repair garage. The report was submitted to document attainment of the Statewide Health Standard for soil. A public notice regarding the submittal of the Final Report was published in the *Pocono Record* on May 16, 2008.

**St. Luke's Hospital Boiler House**, Fountain Hill Borough, **Lehigh County**. Scott Alderfer, Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 has submitted a Final Report (on behalf of his client, St. Luke's Hospital, 801 Ostrum Street, Bethlehem, PA 18015), concerning the remediation of soils found or suspected to have been impacted by No. 6 fuel oil as a result of an underground storage tank release due to the failure of a steam heating coil and associated condensate line which were used for heating fuel oil underground storage tanks. The report was submitted to document attainment of the Statewide Health Standard.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Former Exxon Station RAS 2-7395**, Upper Allen Township, **Cumberland County**. Groundwater and Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 on behalf of Elvin B. Hess, 145 Get-

tysburg Pike, Mechanicsburg, PA 17055-5695 and ExxonMobil Environmental Services Company, 220 Commerce Drive, Suite 205, Fort Washington, PA 19034, has submitted a remedial investigation report, risk assessment, cleanup plan and final report concerning remediation of site soils and groundwater contaminated with unleaded gasoline. The combined report is intended to document remediation of the site to a combination of Statewide Health and Site-Specific Standards.

**Suburban Heating Oil Partners**, Chambersburg Borough, **Franklin County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110, on behalf of Suburban Energy Services, P. O. Box 4833, Syracuse, NY 13221, submitted a remedial investigation report and cleanup plan concerning site soils and groundwater contaminated by petroleum products. This site is being remediated to a Site-Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a Site-Specific Standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of reuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northeast Region: Ronald S. Brezinski, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Louis Leposa Residence**, Bethlehem City, **Lehigh County**. JMT Environmental Services, Inc., P. O. Box 22044, Lehigh Valley, PA 18002-2044 submitted a Final Report package (on behalf of their client, Louis Leposa, 4430 Greenfield Road, Bethlehem, PA 18017), concerning the remediation of soils found to have been impacted by No. 2 fuel oil as a result of a release from a leaking underground storage tank. The report documented attainment of the Statewide Health Standard for soils, relating the compounds analyzed and was approved on May 29, 2008.

**PPL Gas Utilities Corp.—Former Bangor MGP Site**, Bangor Borough, **Northampton County**. John J. Mahfood, The Mahfood Group, LLC, 260 Millers Run Road, Bridgeville, PA 15017 submitted a combined Risk Assessment Report/Cleanup Plan (on behalf of his client, PPL Utilities Corp., Two North Ninth Street, GENTW-17, Allentown, PA 18101-1179), concerning the risks and proposed remediation of soils and groundwater found to have been impacted by coal tar residuals, including polycyclic aromatic hydrocarbons (PAHs), benzene, toluene, ethylbenzene and xylenes (BTEX compounds) associated with the manufacturing of coal gas. The combined report met the requirements of the Site-Specific Standard and was approved on June 9, 2008.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Marstellar Oil Company—Drum Rental Property**, Carroll Township, **Perry County**. Marshall Miller & Associates, 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011, on behalf of Marstellar Oil Company, P. O. Box 210, Port Royal, PA 17082, submitted a final report concerning remediation of site soils contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on June 9, 2008.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**CORRECTION—Burning Well Crude Oil Gathering Facility**, Sergeant Township, **McKean County**. ATC Associates, Inc., 103 North Meadows Drive, Suite 215, Wexford, PA 15090 on behalf of SOPUS, Inc., 203 Steepleview Drive, Clarion, PA 16214 has submitted a Final Report concerning the remediation of site soil contaminated with 1,3,5-trimethylebenzene. The Final Report submittal is currently under technical review.

## RESIDUAL WASTE GENERAL PERMITS

**Permits Reissued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Number WMGR029D001D. Hydrocarbon Recovery Services, Inc.,** 5140 Paxton Street, Harrisburg, PA 17111. General Permit Number WMGR029D001D for the operation of transfer facilities for the processing of waste oil, spent antifreeze, commercial fuel products and waste oil/water mixtures prior to beneficial use. The general permit was originally issued under the name International Petroleum Corporation. The permit was reissued by Central Office on June 9, 2008.

Persons interested in reviewing the general permit should contact Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users should contact the Department of Environmental Protection through the Pennsylvania Relay Service, (800) 654-5984.

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit No. WMGR103.** Ridgewood Soils, Inc., P. O. Box 4068, Reading, PA 19606.

General Permit numbered WMGR103 is for the processing and beneficial use of: (1) spent mushroom substrate; (2) dredged river sand; (3) wood and yard waste; and (4) used asphalt and concrete generated at the Ridgewood Soils, Inc. facility, located in Cumru Township, **Berks County**, to produce: (a) a manufactured topsoil; (b) construction aggregate; and (c) mulch material. This residual waste general permit was issued by the Central Office on June 9, 2008.

Persons interested in reviewing the general permit should contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users should contact the Department of Environmental Protection through the Pennsylvania Relay Service, (800) 654-5984.

## REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

**Registration Issued Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Residual Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Registration Number WMGR097R007. OSRAM Sylvania, Inc.,** Hawes Street, Towanda, PA 18848. Registration to operate under General Permit Number WMGR097R007 for research and development activities to support the beneficial use or processing prior to beneficial use. The project involves processing of the phosphor layer of end use lamps to reclaim metals. The registration was issued by Central Office on June 9, 2008.

Persons interested in reviewing the general permit should contact Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users should contact the Department of Environmental Protection through the Pennsylvania Relay Service, (800) 654-5984.

## OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Permits Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.*

**Permit No. 101680. GROWS North Landfill,** 1000 New Ford Mill Road, Morrisville, PA 19067, Falls Township, **Bucks County**. This permit modification request is for the use of portable trailer tippers at the GROWS North Landfill located in Falls Township. The permit was issued by Southeast Regional Office on May 19, 2008.

*Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Permit Application No. 101690. Veolia ES Solid Waste Of PA, Inc.,** 6330 Route 219, Brockway, PA 15824, Paint Township, **Clarion County**. The application was for the new facility known as the Clarion County Transfer Station. The permit was issued by the Northwest Regional Office on May 30, 2008.

## AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Ray Kempa, New Source Review Chief, (570) 826-2531.*

**40-302-166GP1: Wilkes-Barre Area School District** (730 South Main Street, Wilkes-Barre, PA 18711) on June 6, 2008, to operate three boilers at their site in Wilkes-Barre, **Luzerne County**.

**40-302-167GP1: Department of Veterans Affairs** (1111 East End Boulevard, Wilkes-Barre, PA 18711) on June 6, 2008, to operate three boilers at their site in Plains Township, **Luzerne County**.

**40-310-076GP3: Mericle Construction, Inc.—East Mountain Corporate Center** (100 Baltimore Drive, Wilkes-Barre, PA 18702) on June 6, 2008, to construct



and operate a Portable Crushing Operation with watersprays at their site in Hazle Township, **Luzerne County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, William R. Weaver, New Source Review Chief, (717) 705-4702.*

**GP1-01-03008: Gettysburg College** (300 North Washington Street, Gettysburg, PA 17325) on June 3, 2008, for Small Gas and No. 2 Oil Fired Combustion Units under GP1 in Gettysburg Borough, **Adams County**. This is a renewal of the GP1 permit.

**GP9-44-03023: First Quality Baby Products, LLC** (904 Woods Avenue, Lock Haven, PA 17745) on June 2, 2008, for Diesel or No. 2 Fuel-fired Internal Combustion Engines under GP9 in Granville Township, **Mifflin County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, George Monasky, New Source Review Chief, (814) 332-6940.*

**GP-42-218A: Gregory A. Buckner—d/b/a Bradford Crematory** (105 Hilton Street, Bradford, PA 16701) on June 4, 2008, for a Human Crematory (BAQ-GPA/GP-14) in Bradford City, **McKean County**.

**Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Ray Kempa, New Source Review Chief, (570) 826-2531.*

**48-307-063: Effort Foundry, Inc.** (P. O. Box 158, Bath, PA 18014) on June 9, 2008, to modify the existing sand handling/reclamation system in East Allen Township, **Northampton County**.

**54-310-045: Reading Materials, Inc.** (P. O. Box 1467, Skipack, PA 19474) on May 12, 2008, for installation of a crushing operation with water sprays at their facility to be in New Castle Township, **Schuylkill County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, William R. Weaver, New Source Review Chief, (717) 705-4702.*

**01-05029C: Reliant Energy Wholesale Generation, LLC** (121 Champion Way, Suite 200, Canonsburg, PA 15317-5817) on June 6, 2008, for modifications to several conditions contained in plan approval No. 01-05029 which addresses the natural gas-fired 900 mW combined cycle electric generating facility at the Hunterstown Station in Straban Township, **Adams County**.

**21-05045B: Metropolitan Edison Company** (P. O. Box 16001, Reading, PA 19612-6001) on June 9, 2008, for construction of ten portable 1,500 kW diesel-fired peak electrical generating units at their existing Allen Substation in Monroe Township, **Cumberland County**.

**67-05004N: P.H. Glatfelter Company** (228 South Main Street, Spring Grove, PA 17362-1000) on June 3, 2008, for replacement of two head air foils with pressure type air bars on their facility's blade coater in Spring Grove Borough, **York County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, George Monasky, New Source Review Chief, (814) 332-6940.*

**62-017Q: United Refining Co.** (15 Bradley Street, Warren, PA 16365) on June 6, 2008, to allow combusting fuel oil in emergency situations and correcting the firing rate of the burners for the FCC Charge Heater installed under a previous plan approval in City of Warren, **Warren County**. This is a Title V facility.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Sachin Shankar, New Source Review Chief, (484) 250-5920.*

**46-0198K: Blommer Chocolate Co.** (1101 Blommer Drive, East Greenville, PA 18041-2140) on June 4, 2008, to operate the facility expansion project (modification of lines 2 and 3 and installation of line 4) in Upper Hanover Township, **Montgomery County**.

**09-0199: Mars Fishcare N.A., Inc.** (50 East Hamilton Street, Chalfont, PA 18914-0218) on June 6, 2008, to revise the pressure drop range for the Dust Collector/Baghouse (Source C01) in Chalfont Borough, **Bucks County**.

**23-0089: FPL Energy Marcus Hook, LP** (Delaware Avenue and Green Street, Marcus Hook, PA 19061) on June 9, 2008, to operate a combined cycle power plant in Marcus Hook Borough, **Delaware County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, William R. Weaver, New Source Review Chief, (717) 705-4702.*

**36-03075A: City of Lancaster AWWTP** (120 North Duke Street, Lancaster, PA 17608-1599) on May 29, 2008, to install a lime stabilization system at their wastewater treatment facility in Lancaster Township, **Lancaster County**. This plan approval was extended.

**67-05004I: P. H. Glatfelter** (228 South Main Street, Spring Grove, PA 17362) on June 4, 2008, to install a fluidized bed scrubber on the Fluo-Solids Calcliner in Spring Grove Borough, **York County**. This plan approval was extended.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, David Aldenderfer, Program Manager, (570) 327-3637.*

**49-00007E: Cherokee Pharmaceuticals, LLC** (P. O. Box 367, Riverside, PA 17868) on June 6, 2008, to extend the authorization to operate under the VOC plantwide applicability limit and revised BAT standards on a temporary basis until December 13, 2008, at the facility in Riverside Borough, **Northumberland County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, M. Gorog and B. Hatch, Environmental Engineer Managers, (412) 442-4163/5226.*

**32-00040B: Reliant Energy Seward, LLC** (121 Champion Way, Suite 200, Canonsburg, PA 15317) plan approval extension is effective June 11, 2008, with an expiration date of October 11, 2008, to allow for continued temporary operation of the sources covered under plan approval 32-00040B at the Seward Generating Station, in East Wheatfield Township, **Indiana County**.

**65-00613B: Tube City IMS, LLC**, (155 Business Center Drive, Horsham, PA 19044) on June 5, 2008, for additional time to update Operating Permit to include the installation of additional equipment consisting of 13 conveyors, two crushers, two screens, two diesel generators at the Patton Site in Rostraver Township, **Westmoreland County**.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, William R. Weaver, New Source Review Chief, (717) 705-4702.*

**06-03063: East Penn Manufacturing Co., Inc.** (P. O. Box 147, Lyons Station, PA 19536) on June 5, 2008, to operate a manufacturing facility for various products associated with the lead/acid battery industry and assembly operations in Kutztown Borough, **Berks County**.

**21-03007: Purina Mills, LLC** (P. O. Box 66812, St. Louis, MO 63166) on June 2, 2008, for their livestock feed production facility in Hampden Township, **Cumberland County**. This is a renewal of the State-only operating permit.

**36-05129: Haines & Kibblehouse, Inc.** (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on June 6, 2008, to operate the asphalt plant at their Silver Hill Quarry in Brecknock Township, **Lancaster County**. This is a renewal of the State-only operating permit.

**67-03004: Maple Press Co.** (480 Willow Springs Lane, P. O. Box 2695, York, PA 17406) on June 9, 2008, to operate a book manufacturing facility in Manchester Township, **York County**. This is a renewal of the State-only operating permit.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, David Aldenderfer, Program Manager, (570) 327-3637.*

**41-00049: David R. Webb Co., Inc.** (240 North Reach Road, Williamsport, PA 17701), issued State-only operating permit on May 14, 2008, for their veneer mill facility in City of Williamsport, **Lycoming County**. The facility's main sources include two wood fired boilers, one natural gas fired boiler, one space heater, one parts washer and various veneer mill operations. The State-only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Matthew Williams, Facilities Permitting Chief, (814) 332-6940.*

**10-00309: MultiServ** (Route 8 South, Butler, PA 16001) on June 6, 2008, to re-issue a natural minor permit to operate a slag processing plant in Butler Township, **Butler County**. The major sources included; 1) Slag Processing Plant; 2) Screens; and 3) Generators (80 HP Deultz, 150 HP Cummings). The facility is natural minor because the emission of pollutants from the facility is less than Title V emission threshold.

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**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, David Aldenderfer, Program Manager, (570) 327-3637.*

**17-00033: RES Coal, LLC** (224 Grange Hall Road, Armagh, PA 15920) on June 3, 2008, in accordance with the requirements of 25 Pa. Code § 127.450, to transfer the permit for the operation of a coal processing facility (Clearfield Siding) from Sky Haven Coal, Inc. to RES Coal, LLC in Boggs Township, **Clearfield County**.

**55-00005: Wood-Mode, Inc.**, (1 Second Street, Route 522, Kreamer, PA 17833), issued a revised operating permit on May 16, 2008, for the wood furniture manufacturing facility located in Middlecreek Township, **Snyder County**. The revision of this operating permit incorporates an extension of stack testing due dates for wood waste handling and woodworking operations from April 26, 2008, to June 30, 2008. This Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Matthew Williams, Facilities Permitting Chief, (814) 332-6940.*

**37-00307: PSC Metals Inc.—New Castle Plant** (P. O. Box 310, Slippery Rock, PA 16057-0310) on June 4, 2008, this Natural Minor Operating Permit was administratively amended to incorporate a change of ownership for this facility at 214 Gardner Avenue, New Castle City, **Lawrence County**.

**16-00010: Owens Brockway Glass Container Inc.—Plant 17** (Four O-I Plaza, One Michael Owens Way, Perrysburg, OH 43551-2999) on June 2, 2008, for an administrative amendment of the TV Operating Permit to incorporate the conditions of Plan Approvals 16-010B and change the responsible official in Clarion Borough, **Clarion County**.

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**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Barbara Hatch, Facilities Permitting Chief, (412) 442-4174.*

**65-00378: BP Products North America, Inc.** (801 East Ordiance Road, Baltimore, MD 21226) on June 4, 2008, per 25 Pa. Code § 27.449(i), this is a de minimis emission increase of 0.25 ton of VOCs per year resulting from the installation of a new 10,000 gallon denatured ethanol storage tank; the ability to store either gasoline, distillate or denatured ethanol in any existing gasoline storage tank which is equipped with an internal floating roof at the site; the installation of a new denatured ethanol unloading arm; and the installation of a new 4,000 gallon denatured ethanol sump at the BP Products North America, Inc. Greensburg Terminal located in Greensburg, **Westmoreland County**.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).**

### *Coal Permits Actions*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100.*

**Permit Number 32841317 and NPDES Permit No. PA0037109, Helvetia Coal Company,** (P. O. Box 219, 400 Overview Drive, Shelocta, PA 15774), to renew the permit and related NPDES permit for reclamation only and to revise the permit for the Luzerne No. 9 Mine in Young and Conemaugh Townships, **Indiana County** to combine Lucerne No. 8 permit (CAMP No. 32841320) with this permit. No additional discharges. Application received March 21, 2006. Permit issued June 4, 2008.

**Permit Number 32951301 and NPDES Permit No. PA0215821, Penn American Coal, LP,** (125 Old Farm Drive, Pittsburgh, PA 15239), to renew the permit for the Burrell Mine in Burrell Township, **Indiana County** and related NPDES permit. No additional discharges. Application received January 31, 2006. Permit issued June 5, 2008.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**32070108 and NPDES No. PA262528, Amerikohl Mining, Inc.,** 202 Sunset Drive, Butler, PA 16001, commencement, operation and restoration of a bituminous surface mine in Center Township, **Indiana County**, affecting 274.3 acres. Receiving streams: UNTs to Tearing Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received November 28, 2007. Permit issued June 3, 2008.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.*

**16920107 and NPDES Permit No. PA0211435, RFI Energy, Inc.** (P. O. Box 62, Sligo, PA 16255) Renewal of an existing bituminous strip, tippie refuse disposal and beneficial use of coal ash operation in Perry Township, **Clarion County** affecting 274.0 acres. This renewal is issued for reclamation only. Receiving streams: UNTs to Cherry Run. Application received April 4, 2008. Permit issued May 20, 2008.

**10070105 and NPDES Permit No. PA0258512, T. C. Mining** (252 Lower Hayes Run Road, Kittanning, PA 16201) Commencement, operation and restoration of a

bituminous strip operation in Concord and Clay Townships, **Butler County** affecting 187.0 acres. Receiving streams: UNTs to South Branch Slippery Rock Creek. Application received November 25, 2007. Permit issued June 3, 2008.

**33080105 and NPDES Permit No. PA0258547, Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767) Commencement, operation and restoration of a bituminous strip operation in Perry and Young Townships, **Jefferson County** affecting 427.0 acres. Receiving streams: Three UNTs to Mahoning Creek. Application received February 4, 2008. Permit issued June 4, 2008.

**1419-33080105-E-1, Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767) Application for a stream encroachment to upgrade and maintain a haul road crossing over UNT No. 1 to Mahoning Creek in Perry and Young Townships, **Jefferson County**. Receiving streams: Three UNTs to Mahoning Creek. Application received February 4, 2008. Permit issued June 4, 2008.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**17070106 and NPDES No. PA0256528, Junior Coal Contracting, Inc.** (2330 Six Mile Road, Philipsburg, PA 16866). Commencement, operation and restoration of a bituminous surface auger mine with blasting in Decatur Township, **Clearfield County**, affecting 245.6 acres. Receiving stream: Big Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 30, 2007. Permit issued May 21, 2008.

**17990111 and NPDES No. PA0238341, Larry D. Baumgardner Coal Company, Inc.** (P. O. Box 186, Lanse, PA 16849), revision of an existing bituminous surface mine for an Insignificant Permit Boundary Correction in Decatur Township, **Clearfield County**, affecting 109.2 acres. Receiving streams: Laurel Run to Moshannon Creek to West Branch Susquehanna River, classified for the following uses: CWF, WWF. There are no potable water supply intakes within 10 miles downstream. Application received March 26, 2008. Permit issued May 27, 2008.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.*

**49870202R4 and NPDES Permit No. PA0593834, Susquehanna Coal Company,** (P. O. Box 27, Nanticoke, PA 18634), renewal of an existing anthracite coal refuse reprocessing operation in Mt. Carmel and Coal Townships, **Northumberland County** affecting 788.0 acres, receiving stream: Coal Run to Shamokin Creek. Application received February 21, 2007. Renewal issued June 5, 2008.

**54070201, Whitey Wash Enterprises,** (P. O. Box 47, Ashland, PA 17921), commencement, operation and restoration of an anthracite coal refuse reprocessing operation in Reilly Township, **Schuylkill County** affecting 56.2 acres, receiving stream: none. Application received August 28, 2007. Permit issued June 9, 2008.

### *Noncoal Permits Actions*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**01870301 and NPDES No. PA0593931, Vulcan Construction Materials, LP,** 5601 Ironbridge Parkway, Suite 201, Chester, VA 23831, revision of an existing limestone surface mine to reconstruct stream in Berwick, Conewago and Oxford Townships, **Adams County**, affect-

ing 1,292.7 acres. Receiving streams: Slagle Run classified for the following use: WWF. The first downstream potable water supply intake from the point of discharge is New Oxford Municipal Authority and Hanover Municipal Water Works. Application received October 17, 2007. Permit issued June 2, 2008.

**Permit No. 34072802. Blue Mountain Building Stone Company**, 80 South Hershey Road, Harrisburg, PA 17112, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Mifflin Township, **Juniata County**, affecting 5 acres. Receiving streams: UNT to and Juniata River. Application received November 26, 2007. Permit issued June 3, 2008.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.*

**37082802. Siegel Excavating, LLC** (4946 Mathews Road, Edinburg, PA 16116) Commencement, operation and restoration of a small sand and gravel operation in Mahoning Township, **Lawrence County** affecting 5.0 acres. Receiving streams: UNT to Mahoning River. Application received April 21, 2008. Permit issued May 28, 2008.

**24072802. James Delullo** (1247 Million Dollar Highway, Kersey, PA 15846) Commencement, operation and restoration of a small sandstone operation in Fox Township, **Elk County** affecting 3.0 acres. Receiving stream: Laurel Run. Application received December 13, 2007. Permit issued May 27, 2008.

**37070302 and NPDES Permit No. PA0258423. Quality Aggregates, Inc.** (200 Neville Road, Neville Island, PA 15225) Commencement, operation and restoration of a large limestone operation in Slippery Rock Township, **Lawrence County** affecting 101.0 acres. Receiving streams: UNT to Slippery Rock Creek. Application received September 26, 2007. Permit issued June 4, 2008.

**5380-37070302-E-1. Quality Aggregates, Inc.** (200 Neville Road, Neville Island, PA 15225) Application for a stream encroachment to construct and maintain a haul road crossing over UNT No. 2 to Slippery Rock Creek in Slippery Rock Township, **Lawrence County**. This variance includes plans to mine through approximately 1,000 feet and reconstruct approximately 1,900 feet of UNT No. 2 to Slippery Rock Creek. Receiving streams: UNT to Slippery Rock Creek. Application received September 26, 2007. Permit issued June 4, 2008.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**14980301 and NPDES No. PA0237825. Graymont (PA) Inc.** (965 East College Avenue, Pleasant Gap, PA 16823), renewal of NPDES Permit, in Spring and Benner Townships, **Centre County**. Receiving streams: Logan Branch to Spring Creek to Bald Eagle Creek to West Branch, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received April 14, 2008. Renewal issued May 28, 2008.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.*

**58080801. Denis Halstead** (R. R. 1, Box 38B, Union Dale, PA 18470), commencement, operation and restoration of a quarry operation in Clifford Township, **Susquehanna County** affecting 3.0 acres, receiving stream: none. Application received January 9, 2008. Permit issued June 5, 2008.

**58080816. Stanley H. Biniewicz**, (R. R. 1, Box 204 A, New Milford, PA 18834), commencement, operation and

restoration of a quarry operation in Gibson Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received February 26, 2008. Permit issued June 5, 2008.

**58080818. Norman E. Turner** (R. R. 1, Box 1567, Hallstead, PA 18822), commencement, operation and restoration of a quarry operation in Liberty Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received February 28, 2008. Permit issued June 5, 2008.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151—161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

##### *Blasting Permits Actions*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**21084132. M & J Explosives, Inc.**, P. O. Box 608, Carlisle, PA 17013-0608, blasting activity permit issued for single dwelling development in South Middleton Township, **Cumberland County**. Blasting activity permit end date is May 31, 2009. Permit issued May 27, 2008.

**28084111. M & J Explosives, Inc.**, P. O. Box 608, Carlisle, PA 17013-0608, blasting activity permit issued for commercial development in Chambersburg Borough, **Franklin County**. Blasting activity permit end date is May 31, 2009. Permit issued May 27, 2008.

**21084133. Newville Construction Services, Inc.**, 408 Mohawk Road, Newville, PA 17241-9424, blasting activity permit issued for agricultural manure pit development in Penn Township, **Cumberland County**. Blasting activity permit end date is May 28, 2009. Permit issued May 28, 2008.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.*

**63084004. Wampum Hardware Co.** (175 Prugh Road, Shelocta, PA 15774). Blasting activity permit issued for construction of PennDot Race Track Road off ramp, located in South Strabane Township, **Washington County**, with an expected duration of 6 months. Permit issued June 4, 2008.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.*

**10084001. Kesco, Inc.** (P. O. Box 95, Adrian, PA 16210) Blasting activity permit for Park Place Development Project in Cranberry Township, **Butler County**. This blasting activity permit will expire on September 30, 2008. Application received May 23, 2008. Permit issued May 30, 2008.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.*

**39084111. Warren's Excavating & Drilling, Inc.**, (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Hamilton Court in South Whitehall Township, **Lehigh County** with an expiration date of May 1, 2009. Permit issued June 2, 2008.

**35084111. Hayduk Enterprises, Inc.,** (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Preserve at Gravel Pond in South Abington Township, **Lackawanna County** with an expiration date of June 30, 2008. Permit issued June 3, 2008.

**36084164. Warren's Excavating & Drilling, Inc.,** (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Lancaster County Bible Church in Rapho Township, **Lancaster County** with an expiration date of May 1, 2009. Permit issued June 3, 2008.

**36084165. Keystone Blasting Service,** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Richmond Square in Manheim Township, **Lancaster County** with an expiration date of December 30, 2009. Permit issued June 3, 2008.

**38084110. Keystone Blasting Service,** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for James Brubaker manure storage in Millcreek Township, **Lebanon County** with an expiration date of June 30, 2008. Permit issued June 3, 2008.

**38084111. Keystone Blasting Service,** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Mervin Horning manure storage in Millcreek Township, **Lebanon County** with an expiration date of June 30, 2008. Permit issued June 3, 2008.

**45084124. Hayduk Enterprises, Inc.,** (257 Riverside Drive, Factoryville, PA 18419), construction blasting for County Club of the Pocono in Middle Smithfield Township, **Monroe County** with an expiration date of June 30, 2009. Permit issued June 3, 2008.

**45084125. Explosive Services, Inc.,** (7 Pine Street, Bethany, PA 18431), construction blasting for utilities on 3 Point Garden Road in Smithfield Township, **Monroe County** with an expiration date of May 29, 2009. Permit issued June 3, 2008.

**46084115. Austin Powder Company,** (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Lincoln Woods in Franconia Township, **Montgomery County** with an expiration date of May 21, 2009. Permit issued June 3, 2008.

**52084110. Hayduk Enterprises, Inc.,** (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Falling Creek Estates in Middle Smithfield and Lehman Townships, **Monroe and Pike Counties** with an expiration date of June 30, 2009. Permit issued June 3, 2008.

**35084112. Hayduk Enterprises, Inc.,** (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Preserve at Gravel Pond in South Abington Township, **Lackawanna County** with an expiration date of June 30, 2009. Permit issued June 5, 2008.

**36084167. Schlouch, Inc.,** (P. O. Box 69, Blandon, PA 19510), construction blasting for Wetherburn Commons in Manheim Township, **Lancaster County** with an expiration date of June 2, 2009. Permit issued June 5, 2008.

**36084166. Warren's Excavating & Drilling, Inc.,** (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for The Farm at Quarry Road in Manheim Township, **Lancaster County** with an expiration date of May 1, 2009. Permit issued June 6, 2008.

**36084173. J. Roy's, Inc.,** (Box 125, Bowmansville, PA 17507), construction blasting for Norfolk Southern Railroad rockslide in Conestoga and Martic Townships, **Lancaster County** with an expiration date of June 7, 2009. Permit issued June 6, 2008.

**36084177. Kesco, Inc.,** (P. O. Box 95, Adrian, PA 16210), construction blasting for Norfolk Southern Railroad rockslide in Drumore Township, **Lancaster County** with an expiration date of December 6, 2008. Permit issued June 6, 2008.

**38084112. Warren's Excavating & Drilling, Inc.,** (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Hilltop Estates in Cornwall Borough, **Lancaster County** with an expiration date of May 1, 2009. Permit issued June 6, 2008.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 § 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**E46-1012. Limerick Partnership 1, LLC**, Meeting-house Business Center, Suite 120, Plymouth Meeting, PA 19462, Limerick Township, **Montgomery County**, United States Army Corps of Engineers, Philadelphia District.

To relocate, construct and maintain 956 LF of UNT of Mingo Creek (WWF) and place fill in the abandon channel to facilitate construction of the retail center (Home Depot). The project is located on the west side of PA Route 100 approximately 1,900 feet southwest of Ridge pike, west of Township Line (Phoenixville, PA Quadrangle N: 16.5 inches; W: 0.8 inch).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. 1341(a)).

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**E28-341: Tex R. Myers**, 13204 Worleytown Road, Greencastle, PA 17225-9655, Antrim Township, **Franklin County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a: (1) a 58-foot 8" sanitary sewer pipe stream crossing; (2) a 94-foot 8" sanitary sewer pipe stream crossing; (3) a 22-foot span by 5-foot rise, 40-lineal foot concrete box culvert; and (4) a 8-foot span by 4-foot rise, 60-lineal foot concrete box culvert, all impacting a UNT to the Conococheague Creek (CWF, MF). The project is located west of the Williamsport Pike (SR 3001) approximately 1.7 miles south of the intersection with Route 11 (Williamson, PA Quadrangle North 1.8 inches; West 1.3 inches, Latitude: 39° 45' 46"; Longitude: 77° 45' 32") in Antrim Township, Franklin County.

**E28-339: Robert Hickey, Divinity Investments, LLC**, P. O. Box 1180, Chambersburg, PA 17201, Antrim Township, **Franklin County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain an: (1) 8.0-inch PVC sanitary sewer pipe crossing a UNT to Muddy Creek (HQ-CWF) (Latitude: 39° 74' 16"; Longitude: 61° 67' 79"); (2) a 48.0-inch HDPE stormwater basin outfall discharging to a UNT to Muddy Creek (HQ-CWF) (Latitude: 39° 44' 18"; Longitude: 61° 40' 03"); (3) an 8.0-inch PVC sanitary sewer pipeline crossing and temporarily impacting 0.008 acre of palustrine emergent wetland associated with a UNT to Muddy Creek (HQ-CWF) (Latitude: 39° 44' 01"; Longitude: 61° 41' 04"); (4) a 15.0-inch HDPE stormwater outfall discharging to a UNT to Muddy Creek (HQ-CWF) (Latitude: 39° 43' 58"; Longitude: 61° 40' 57"); (5) a 15.0-foot long foot bridge with 2.25 foot underclearance across a UNT to Muddy Creek (HQ-CWF) (Latitude: 39° 43' 55"; Longitude: 61° 41' 01"); (6) a 15.0-inch HDPE stormwater outfall discharging to a UNT to the Muddy Creek (HQ-CWF) (Latitude: 39° 43' 57"; Longitude: 61° 40' 36"); (7) an 8.0-inch PVC sanitary sewer line crossing, an 8.0-inch DIP water line crossing and a 104.0-foot long 15-inch HDPE culvert permanently impacting 0.009 acre of palustrine emergent wetland associated with a UNT to Muddy Creek (HQ-CWF) (Latitude: 39° 43' 53"; Longitude: 61° 40' 27"); (8) an 8.0-inch PVC sanitary sewer line crossing a UNT to Muddy Creek (HQ-CWF) (Latitude: 39° 44' 08"; Longitude: 61° 41' 15"); (9) a 24.0-inch HDPE stormwater outfall discharging to a UNT to Muddy Creek (HQ-CWF) (Latitude: 39° 44' 12"; Longitude: 61° 41' 15"); (10) an 8.0-inch PVC sanitary sewer line crossing, an 8.0-inch DIP water line crossing and a 122.0-foot long,

6.08-foot by 4.58-foot CMP depressed 6.0 inches below existing grade in a UNT to Muddy Creek; permanently impacting 0.132 acre of palustrine emergent wetland (HQ-CWF) (Latitude: 39° 44' 11"; Longitude: 61° 41' 06"); (11) a 24.0-inch HDPE stormwater basin outfall discharging to a UNT to Muddy Creek (HQ-CWF) (Latitude: 39° 44' 05"; Longitude: 61° 41' 00"); (12) a 15.0-foot long foot bridge with 1.50-foot underclearance across a UNT to Muddy Creek (HQ-CWF) (Latitude: 39° 44' 09"; Longitude: 61° 41' 43"); (13) a 15.0-foot long foot bridge with 3.25-foot underclearance across a UNT to Muddy Creek (HQ-CWF) (Latitude: 39° 58' 32"; Longitude: 61° 38' 02"); (14) a 6.0-inch HDPE sediment basin outfall temporarily discharging to a UNT to Muddy Creek (HQ-CWF) (Latitude: 39° 44' 11"; Longitude: 61° 41' 28"); (15) a 15.0-inch HDPE temporary stormwater diversion pipe discharging to a UNT to Muddy Creek (HQ-CWF) (Latitude: 39° 44' 04"; Longitude: 61° 40' 38"); and (16) a 15.0-inch HDPE sediment trap outfall temporarily discharging to a UNT to Muddy Creek (HQ-CWF) (Latitude: 39° 43' 50"; Longitude: 61° 40' 14"); The project also proposes future impacts to the Waters of the Commonwealth which are not being permitted at this time. The impacts are proposed for the construction of a residential development located on a 207 acre tract approximately 0.7 mile northwest of Greencastle, north of Route 16 (Greencastle, PA Quadrangle N: 9.1 inches; W: 17.4 inches) in Antrim Township, Franklin County.

**E05-343: Steckman Ridge, LP, Rita V. Nguyen**, 5400 Westheimer Court, Houston, TX 77056, Monroe Township, **Bedford County**, United States Army Corps of Engineers, Baltimore District.

To conduct various activities as follows:

1. To construct and maintain a 16-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle N: 2.30 inches; W: 13.09 inches, Latitude: 39° 53' 17.57"; Longitude: 78° 20' 34.56").
2. To construct and maintain a 8-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle N: 3.69 inches; W: 11.29 inches, Latitude: 39° 53' 42.15"; Longitude: 78° 19' 48.56").
3. To replace and maintain a 16-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle N: 3.52 inches; W: 14.27 inches, Latitude: 39° 53' 39.92"; Longitude: 78° 21' 4.89").
4. To replace and maintain a 8-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle N: 1.68 inches; W: 12.89 inches, Latitude: 39° 53' 3.52"; Longitude: 78° 20' 29.39").
5. To replace and maintain a 16-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle N: 1.59 inches; W: 13.06 inches, Latitude: 39° 53' 1.82"; Longitude: 78° 20' 33.88").
6. To replace and maintain a 16-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) and to temporarily impacts a 0.03 acre of PEM wetland (Mench, PA Quadrangle N: 7.53 inches; W: 12.18 inches, Latitude: 39° 54' 59.15"; Longitude: 78° 20' 11.38").
7. To replace and maintain a 16-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek

(EV) and to temporarily impacts a 0.04 acre of PEM wetland (Mench, PA Quadrangle N: 7.30 inches; W: 12.25 inches, Latitude: 39° 54' 54.61"; Longitude: 78° 20' 13.18").

8. To replace and maintain a 16-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle N: 4.07 inches; W: 14.37 inches, Latitude: 39° 53' 50.70"; Longitude: 78° 21' 7.58").

9. To replace and maintain a 16-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle N: 4.02 inches; W: 14.37 inches, Latitude: 39° 53' 49.82"; Longitude: 78° 21' 6.77").

10. To replace and maintain a 16-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle N: 3.33 inches; W: 14.16 inches, Latitude: 39° 53' 36.03"; Longitude: 78° 21' 2.05").

11. To replace and maintain a 16-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle N: 5.01 inches; W: 11.95 inches, Latitude: 39° 54' 9.46"; Longitude: 78° 20' 5.54").

12. To replace and maintain a 16-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle N: 3.61 inches; W: 12.31 inches, Latitude: 39° 53' 41.63"; Longitude: 78° 20' 14.61").

13. To replace and maintain a 16-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle N: 1.28 inches; W: 13.54 inches, Latitude: 39° 52' 55.63"; Longitude: 78° 20' 46.29").

14. To replace and maintain a 16-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle N: 0.79 inches; W: 13.89 inches, Latitude: 39° 52' 46.00"; Longitude: 78° 20' 55.09").

15. To replace and maintain a 8-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle N: 2.06 inches; W: 12.19 inches, Latitude: 39° 53' 11.01"; Longitude: 78° 20' 11.70").

16. To replace and maintain a 8-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle N: 2.41 inches; W: 14.62 inches, Latitude: 39° 53' 17.88"; Longitude: 78° 21' 13.92").

17. To replace and maintain a 8-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle N: 2.82 inches; W: 14.73 inches, Latitude: 39° 53' 25.96"; Longitude: 78° 21' 16.72").

18. To replace and maintain a 16-inch diameter natural gas line temporarily impacting a 0.04 acre of PEM/PSS wetland of a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle N: 5.59 inches; W: 13.24 inches, Latitude: 39° 54' 20.76"; Longitude: 78° 20' 38.62").

19. To replace and maintain a 16-inch diameter natural gas line temporarily impacting a 0.10 acre of PEM/PSS wetland of a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle N: 5.51 inches; W: 13.23 inches, Latitude: 39° 54' 19.16"; Longitude: 78° 20' 38.48").

20. To replace and maintain a 8-inch diameter natural gas line temporarily impacting a 0.01 acre of PEM wetland of a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle N: 3.23 inches; W: 14.54 inches, Latitude: 39° 53' 34.09"; Longitude: 78° 21' 11.81").

All activities are related to the improvements of an existing natural gas storage wells in Monroe Township, Bedford County.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.*

**E14-506. Krislund Camp and Conference Center,** P. O. Box 116, Madisonburg, PA 16852. Krislund Camp and Conference Center, in Miles Township, **Centre County**, United States Army Corps of Engineers, Baltimore District (Madisonburg, PA Quadrangle N: 13.32 inches; W: 7.63 inches).

To construct and maintain: 1) fill in an intermittent 75 foot long channel with a maximum width of 7 feet and a maximum depth of 0.5 feet of a UNT of Roaring Run; 2) a 6-inch diameter corrugated plastic pipe underdrain outlet; 3) an 8-foot by 8-foot by 2-foot deep bowl shaped R-3 riprap rock basin; 4) three in-channel rock filters evenly spaced in the channel within the first 100 feet downstream of the toe of the fill; and 5) Seven water line crossings and eight sewer line crossings of waterways with drainage areas less than 100 acres to make a 6.22 acre grass playfield located 1 mile southwest from the intersection of the Krislund Camp Drive and the SR 445. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E41-586. Department of Conservation and Natural Resources, RCSOB,** 8th Floor, 400 Market Street, Harrisburg, PA 17101-8451. Water Obstruction and Encroachment Joint Permit, in Cummings Township, **Lycoming County**, United States Army Corps of Engineers, Susquehanna River Basin District (Jersey Mills, PA Quadrangle N: 41° 19' 6.1"; W: 7° 23' 31.4").

To construct and maintain a 60-foot by 13-foot Con-Span bridge on a skew of 70°, over Lower Pine Bottom Run, located off the intersection of SR 0044 and SR 0414. This project proposes to permanently impact 60 linear feet of Lower Pine Bottom Run, which is designated a HQ-CWF stream and does not propose to impact any jurisdictional wetlands. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E60-190. Buffalo Creek Watershed Alliance,** P. O. Box 501, Lewisburg, PA 17837. Water Obstruction and Encroachment Joint Permit Application, in Hartley Township, **Union County**, United States Army Corps of Engineers, Susquehanna River Basin District (Hartleton, PA Quadrangle N: 40° 56' 22"; W: 77° 13' 43").

To construct and maintain an 8" PVC intake, a concrete weir measuring 25 feet long, 1.5 feet wide and 2.9 feet high and 70 linear feet of R-3 lined outfall swale measuring 8 feet wide and 1 foot deep into Buffalo Creek. This project proposes to have a minimal impact on Buffalo Creek, which is designated a HQ-CWF and does not propose to impact any jurisdictional wetlands. The project is located along Buffalo Flat Road approximately 5.0 miles northeast of intersection with SR 0045. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.



*Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E02-1571. Allegheny County Airport Authority,** Landside Terminal, 4th Floor, Mezzanine Level, Pittsburgh, PA 15231-0370. To place fill in wetlands in the Borough of West Mifflin, **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District. (Glassport, PA Quadrangle N: 18.2 inches; W: 8.8 inches, Latitude: 40° 20' 57"; Longitude: 79° 56' 14"). To place and maintain fill in a de minimis amount of palustrine, forested wetland (0.04 acre) and to construct and maintain an approximately 225 linear foot long stream enclosure consisting of a 30-inch diameter culvert in a UNT to Lewis Run (WWF), which has a contributory drainage area that is less than 100 acres, for the purpose of constructing the Century III KIA Car Dealership Development. With wingwalls and riprap outlet protection, the project will impact a total of 290-ft of watercourse. The project is located on the north side of Lebanon Church Road, just east from the intersection of Lebanon Church Road and Lebanon Road (SR 885).

#### ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.*

**D65-195EA, D65-196EA, D65-197EA, D65-198EA, D65-199EA, D65-200EA, D65-201EA, D65-202EA, D65-203EA. Rolling Rock Club Fishing Lodge,** 439 Hatchery Lane, Laughlintown, PA 15655-0439. Ligonier Township, **Westmoreland County**, United States Army Corps of Engineers, Pittsburgh District.

Project proposes to breach and remove nine low head dams in an approximately 2 mile section of Rolling Rock Creek (HQ-CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 300 linear feet of stream channel. The dams are located approximately 4 miles south of the intersection of US 30 and SR 381 (Rector Road).

**D33-028EA. PGC—Northwest Regional Office,** P. O. Box 31, Franklin, PA 16323. Polk Township, **Jefferson County**, United States Army Corps of Engineers, Pittsburgh District.

Project proposes to breach and remove Manners Run Dam across Manners Dam Run (HQ-CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 800 feet of stream channel. The dam is located approximately 2 miles east of the intersection of Richardson Road (SR 968) and Game School Road (SR 1010) (Munderf, PA Quadrangle Latitude: 41° 17' 50"; Longitude: 78° 53' 43").

#### DAM SAFETY

*Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.*

**D56-103EA. Indian Lake Borough,** 1301 Causeway Drive, Central City, PA 15926-7621. Project proposes to modify Indian Lake Dam to address existing structural inadequacies impacting approximately 0.08 acre of wetland (PEM) and 0.20 acre of open water. The modifications will include placing additional buttressing fill along the downstream face of the dam and constructing a toe drain system. The dam is located across Calendars Run (CWF) approximately 1,300 feet north of the intersection

of South Shore Trail and Causeway Drive (Central City, PA Quadrangle Latitude: 40° 01' 42"; Longitude: 78° 52' 20"). The dam owner has met the wetland replacement requirement by participating in the Pennsylvania Wetland Replacement Project. Indian Lake Borough, **Somerset County**.

### SPECIAL NOTICES

#### Public Hearing Notice

The Department of Environmental Protection (Department), will conduct a public hearing to solicit comments on Environmental & Recycling Services, Inc. Landfill's Phase IV Expansion Application, I.D. No. 100932, located in Taylor Borough, **Lackawanna County**. The Public Hearing has been scheduled for Tuesday, July 15, 2008, from 6-8 p.m. at the Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA.

A copy of the application may be viewed at the Department Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790. For further information, contact William Tomayko at (570) 826-2511. Also, a copy of this application has been provided to Taylor Borough, the Lackawanna County Commissioners and the Lackawanna County Planning Commission.

Any person intending to participate in the hearing should submit a written Notice of Intent to Mark Carmon, Community Relations Coordinator, Attn: Environmental & Recycling Services, Inc. Landfill's Public Hearing, Department of Environmental Protection, 2 Public Square, Wilkes-Barre, PA 18711-0790. The Department will accept notices up to the day of the hearing. The written notice should include the person's name, address, telephone number and a brief statement as to the nature (oral or written) of his or her presentation. Persons unable to attend the hearing may submit written statement/comments to William Tomayko on or before July 23, 2008.

#### Special Notice

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**EGS No. 11003. Altoona City Authority,** 3172 Route 764, Duncansville, PA 16635. A stream diversion located on properties owned by the Game Commission located on State Game Lands Nos. 108 and 158 in Reade Township, **Cambria County**. Project received June 2, 2008.

**NPDES Permit No. PA0249343. Robindale Energy Services, Inc.,** 224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920, renewal of NPDES permit for a post-mining water treatment permit in Shade Township, **Somerset County**, affecting 106.5 acres. Receiving streams: Miller Run to Dark Shade Creek to Stony Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 28, 2008.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.*

**16081004. Lopa Mining, Inc.** (P. O. Box 621, Clarion, PA 16214) Authorization to extract noncoal (industrial minerals) in Sligo Borough, **Clarion County** to supply fill material for SR 0058 Licking Creek Bridge Project. Receiving streams: Little Licking Creek. Application received May 5, 2008. Permit issued June 5, 2008.

[Pa.B. Doc. No. 08-1148. Filed for public inspection June 20, 2008, 9:00 a.m.]



### Bid Opportunity

**OSM 40(2152)101.1, Abandoned Mine Reclamation Project, Newport North, Newport Township, Luzerne County.** The principal items of work and approximate quantities include 367,000 cubic yard of Grading, 2,250 cubic yard of Drainage Excavation, 2,650 square yards of Rock Lining, Dewatering Impoundment and 38.0 acres of Seeding. This project issues on June 20, 2008, and bids will be opened on July 17, 2008, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by Pub. L. No. 95-87 dated August 3, 1977, the Surface Mining Control and Reclamation Act of 1977, and is subject to that law and to the Federal Grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-1149. Filed for public inspection June 20, 2008, 9:00 a.m.]

### Mining and Reclamation Advisory Board Meeting

The next quarterly meeting of the Mining and Reclamation Advisory Board (Board) is scheduled for July 24, 2008, from 1 p.m. to 5 p.m. The meeting will be held at the Department of Environmental Protection's (Department) Pottsville District Mining Office, 5 West Laurel Boulevard, Pottsville, PA.

Questions concerning this meeting should be directed to James Charowsky, liaison to the Board at (717) 787-7007 or jcharowsky@state.pa.us. The meeting agenda and other materials will be available through the Public Participation Center of the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: Public Participation, Participate).

Persons in need of accommodations, as provided for in the Americans With Disabilities Act of 1990, should contact James Charowsky at the telephone number or e-mail address listed, or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-1150. Filed for public inspection June 20, 2008, 9:00 a.m.]

### Solar Workgroup Meeting

The Solar Workgroup will hold a meeting on July 9, 2008, at 10 a.m. in the Second Floor Training Room of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The Solar Workgroup consists of members from the solar industry and local government officials. The purpose of the meeting is to provide a forum for the industry members and local government officials to discuss potential issues that may arise as solar installations become more prevalent Statewide. The meeting will

stimulate information sharing and possible development of tools and resources to facilitate the deployment of solar installations.

The agenda and materials for the July 9, 2008, meeting will be available at the meeting. Questions concerning this meeting should be directed to Libby Dodson, Office of Energy and Technology Deployment, Division of Energy Promotion, 400 Market Street, Harrisburg, PA 17101, (717) 772-8907, [ldodson@state.pa.us](mailto:ldodson@state.pa.us).

Persons with a disability who require accommodations to attend the July 9, 2008, meeting should contact Angela Rothrock at (717) 772-8911 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department of Environmental Protection may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-1151. Filed for public inspection June 20, 2008, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Bryn Mawr Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Bryn Mawr has requested an exception to the requirements of 28 Pa. Code § 51.6 (relating to identification of personnel).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [paexcept@health.state.pa.us](mailto:paexcept@health.state.pa.us).

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-1152. Filed for public inspection June 20, 2008, 9:00 a.m.]

### Application of Easton Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Easton Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with

minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.3.2.1(3) (relating to patient room) and 7.7(a)(1) (relating to general operating room).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-1153. Filed for public inspection June 20, 2008, 9:00 a.m.]

### Application of Evangelical Community Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Evangelical Community Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.1—5.5.6.2 (relating to patient toilets).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or

hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-1154. Filed for public inspection June 20, 2008, 9:00 a.m.]

### Application of Mt. Lebanon Surgical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Mt. Lebanon Surgical Center has requested an exception to the requirements of 28 Pa. Code §§ 553.1, 553.31, 555.1, 557.4 and 567.2.

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-1155. Filed for public inspection June 20, 2008, 9:00 a.m.]

### Application of The PMA Gastroenterology Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The PMA Gastroenterology Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.1—5.3.2.4 (relating to station outlets for oxygen, vacuum and medical air systems).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-1156. Filed for public inspection June 20, 2008, 9:00 a.m.]

### Application of Penn State Hershey Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Penn State Hershey Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.1—2.2.1.2 (relating to toilet rooms).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, the Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-1157. Filed for public inspection June 20, 2008, 9:00 a.m.]

### Application of The Pennsylvania Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Pennsylvania Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.7.3 (relating to office(s) for staff), 2.7.4 (relating to multipurpose rooms) and 2.7.4.2 (relating to quiet room).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-1158. Filed for public inspection June 20, 2008, 9:00 a.m.]

### Application of Select Specialty Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Select Specialty Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1.1.1(1) (relating to patient rooms), 3.1.1.5(2) (relating to hand wash sink) and Table 2.1-2 10.2.1.2(1) (relating to air supply to patient rooms).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-1159. Filed for public inspection June 20, 2008, 9:00 a.m.]

### Application of UPMC Presbyterian Shadyside for Exception

Under to 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Presbyterian Shadyside has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.4.2.1(3) (relating to windows), 3.4.2.4(12)(b)(ii) (relating to equipment storage) and 5.1.2.5(1) and (2) (relating to treatment areas).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-1160. Filed for public inspection June 20, 2008, 9:00 a.m.]

### Application of The Washington Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Washington Hospital has requested an exception to the requirements of 28 Pa. Code § 127.32 (relating to written orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-1161. Filed for public inspection June 20, 2008, 9:00 a.m.]

### Application of Williamsport Hospital and Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Williamsport Hospital and Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 5.9.3 (relating to examination room), 5.9.4.10(3) (relating to stretcher/wheelchair storage).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and

require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-1162. Filed for public inspection June 20, 2008, 9:00 a.m.]

### Integrated Human Immunodeficiency Virus (HIV) Planning Council; Public Meeting

The Statewide Integrated HIV Planning Council, established by the Department of Health under sections 301 and 317 of the Public Health Service Act (42 U.S.C. §§ 241(a) and 247(b)), will hold a public meeting on Tuesday, July 8, 2008, from 9 a.m. to 2 p.m. at the Harrisburg Holiday Inn West, 5401 Carlisle Pike, Mechanicsburg, PA 17050.

For additional information, contact Joseph Pease, Department of Health, Bureau of Communicable Diseases, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572.

Persons with a disability who desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so should also contact Joseph Pease at the previously listed number or at V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

The Department reserves the right to cancel this meeting without prior notice.

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-1163. Filed for public inspection June 20, 2008, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 201.3 (relating to definitions).

River's Edge Nursing and Rehabilitation Center  
9501 State Road  
Philadelphia, PA 19114  
FAC ID 183502

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 201.17 and 205.36(h) (relating to location; and bathing facilities).

Montgomery Rehab Center of Chestnut Hill  
8600 Stenton Avenue  
Wyndmoor, PA 19038  
FAC ID 21610201

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who desire to comment in an alternative format (for example, large print, audiotape, Braille) should contact the Division of Nursing Care Facilities at the address or phone numbers listed previously or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-1164. Filed for public inspection June 20, 2008, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Inpatient Hospitals Qualifying for Medical Assistance Disproportionate Share Payments

On July 1, 1988, the Department of Public Welfare (Department) implemented a disproportionate share payment system. Under 55 Pa. Code §§ 1151.51(i), 1163.67(k) and 1163.459(j) (relating to disproportionate share payments), the Department is required to annually publish the names of each inpatient acute care general hospital, rehabilitation hospital and private psychiatric hospital qualifying for a disproportionate share payment and their respective disproportionate share payment percentage.

#### A. *Disproportionate Share for Acute Care General Hospitals, Rehabilitation Hospitals and Private Psychiatric Hospitals.*

The following lists identify the inpatient acute care general hospitals, psychiatric units, drug and alcohol units and rehabilitation units of acute care general hospitals, rehabilitation hospitals, private psychiatric hospitals and private drug and alcohol hospitals eligible for disproportionate share payments for the period July 1, 2007, through June 30, 2008, and their respective payment percentages. For all inpatient facilities, disproportionate share payments are calculated as a percentage of projected Medical Assistance (MA) inpatient income.

Payment period July 1, 2007, to June 30, 2008, disproportionate share payment percentages:

#### *Acute Care General Hospitals*

ALBERT EINSTEIN MED CTR	4.45%
ALFRED I. DUPONT INSTITUTE	9.41%
BARNES KASSON HOSPITAL	4.59%
CHARLES COLE MEMORIAL HOSPITAL	4.83%
CHILDREN'S HOSPITAL OF PHILADELPHIA	8.47%
CHILDREN'S HOSPITAL OF PITTSBURGH	9.27%
CLEARFIELD HOSPITAL	4.78%
CROZER CHESTER MEDICAL CENTER	3.33%
DUBOIS REGIONAL MED CTR	10.00%
HIGHLAND HOSPITAL	3.08%
HOSPITAL UNIVERSITY OF PA	3.76%

*Acute Care General Hospitals*

INDIANA HOSPITAL	3.45%
JAMESON MEMORIAL	1.00%
KENSINGTON HOSPITAL	4.66%
MAGEE WOMEN'S	6.23%
MEMORIAL HOSPITAL—TOWANDA	5.46%
MERCY HOSP OF PHILA	4.75%
NPHS—GIRARD	1.00%
NPHS—ST. JOSEPH'S	7.44%
PENN PRESBYTERIAN MED CTR OF UPHS	2.96%
PUNXSUTAWNEY AREA HOSPITAL	4.04%
TEMPLE EAST	3.99%
TEMPLE UNIVERSITY CHILDREN'S MEDICAL CTR	15.00%
TEMPLE UNIVERSITY HOSPITAL	6.29%
THS—HAHNEMANN UNIV HOSPITAL	3.58%
THS—ST. CHRISTOPHER'S	14.00%
THOMAS JEFFERSON	3.00%
TITUSVILLE AREA HOSP	4.81%
UPMC—BEDFORD	9.00%
UPMC—PRESBYTERIAN—SHADYSIDE	3.66%
VALLEY FORGE	6.05%
WAYNE COUNTY MEMORIAL	5.54%
WEST VIRGINIA UNIV HOSPITALS, INC.	5.48%

*Psychiatric Units of Acute Care General Hospitals*

ALBERT EINSTEIN	2.97%
DIVINE PROVIDENCE—WILLIAMSPORT	3.83%
DUBOIS REGIONAL MEDICAL CENTER	3.02%
HIGHLAND HOSPITAL	2.19%
INDIANA HOSPITAL	2.03%
JAMESON MEMORIAL	1.65%
MERCY HOSP OF PHILADELPHIA	3.14%
NPHS—GIRARD	1.00%
PENN PRESBYTERIAN MED CNTR OF UPHS	2.12%
TEMPLE UNIVERSITY HOSP	4.02%
THS—HAHNEMANN UNIV HOSP	2.47%

*Drug and Alcohol Units of Acute Care Hospitals*

NPHS—ST JOSEPH'S	9.00%
PENN PRESBYTERIAN MED CNTR OF UPHS	2.24%
VALLEY FORGE	6.91%

*Medical Rehab Units of Acute Care Hospitals*

ALBERT EINSTEIN	4.50%
CHILDREN'S HOSPITAL OF PHILADELPHIA	10.00%
DUBOIS REGIONAL MEDICAL CENTER	4.63%
JAMESON MEMORIAL	1.00%
TEMPLE UNIVERSITY HOSP	7.26%

*Freestanding Rehab Hospitals*

CHILDRENS INSTITUTE OF PITTSBURGH	6.75%
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*Private Psychiatric Hospitals*

BELMONT CENTER	3.92%
BROOKE GLEN BEHAVIORAL HEALTH	6.51%
CLARION PSYCHIATRIC CENTER	6.33%
DEVEREAUX—MAPLETON PSYCH CTR	10.00%
FAIRMOUNT BHS	3.00%
FIRST HOSPITAL WYOMING VALLEY	5.60%
FOUNDATIONS BEHAVIORAL HEALTH	7.49%
FRIENDS HOSPITAL	2.60%
HORSHAM PSYCHIATRIC HOSPITAL	4.59%
KIDSPEACE HOSPITAL	9.00%
MEADOWS PSYCHIATRIC CENTER	7.44%
MONTGOMERY COUNTY MH/MR ER SVS	4.85%
PHILHAVEN	5.60%
SOUTHWOOD PSYCHIATRIC HOSPITAL	7.25%

*Private Drug and Alcohol Hospitals*

EAGLEVILLE HOSPITAL	3.57%
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*B. Additional Disproportionate Share Payments*

Additional disproportionate share payments are made to inpatient facilities, with a Medicaid inpatient utilization rate of not less than 1%, which have provided services to persons who have been determined to be low income by meeting the income and resource standards for the State's General Assistance Program.

The payment adjustments are paid directly proportional to the payment received for either general assistance recipients for all hospital services or Title XIX recipients, 21 years of age or older but under 65 years of age, services rendered by institutions for mental diseases under the fee-for-service and capitation programs.

The following hospitals are eligible for this payment adjustment:

*Acute Care General Hospitals*

ABINGTON MEMORIAL HOSPITAL
ALBERT EINSTEIN MED CTR
ALFRED I. DUPONT INSTITUTE
ALIQUIPPA COMMUNITY HOSP
ALLEGHENY KISKI
ALTOONA HOSPITAL
AMERICAN ONCOLOGIC
ARMSTRONG COUNTY MEMORIAL
BARNES KASSON HOSPITAL
BLOOMSBURG HOSPITAL
BRADFORD REGIONAL
BRANDYWINE HOSPITAL
BROOKVILLE HOSPITAL
BRYN MAWR HOSPITAL
BUCKTAIL MEDICAL CENTER
BUTLER COUNTY MEMORIAL
CANONSBURG GENERAL HOSPITAL
CARLISLE HOSPITAL
CENTRAL MONTGOMERY HOSP
CHAMBERSBURG HOSPITAL
CHARLES COLE MEMORIAL HOSPITAL
CHESTER COUNTY HOSPITAL
CHHS HOSP CO/CHESTNUT HILL HOSPITAL
CHILDREN'S HOSPITAL OF PHILADELPHIA
CHILDREN'S HOSPITAL OF PITTSBURGH
CHS—BERWICK HOSPITAL
CLARION HOSPITAL
CLEARFIELD HOSPITAL
COMMUNITY MED CTR—SCRANTON
CONEMAUGH VALLEY HOSP
CORRY MEMORIAL
CROZER—CHESTER MEDICAL CENTER
DELAWARE COUNTY MEMORIAL
DIVINE PROVIDENCE—WILLIAMSPORT
DOYLESTOWN HOSPITAL
DUBOIS REGIONAL MED CTR
EASTON HOSPITAL
EDGEWOOD SURGICAL HOSPITAL
ELK REGIONAL
ELLWOOD CITY
ENDLESS MTS. HLTH SYS
EPHRATA COMMUNITY
EVANGELICAL COMMUNITY
FRANKFORD HOSPITAL
FRICK COMMUNITY
FULTON COUNTY MEDICAL CENTER

GEISINGER MEDICAL CENTER  
 GEISINGER SOUTH WILKES-BARRE  
 GEISINGER WYOMING VALLEY  
 GETTYSBURG HOSPITAL  
 GNADEN HUETTEN MEMORIAL  
 GOOD SAMARITAN—LEBANON  
 GOOD SAMARITAN—POTTSVILLE  
 GRAND VIEW HOSPITAL  
 HAMOT MED CTR  
 HANOVER HOSPITAL  
 HAZLETON GENERAL HOSPITAL  
 HEART OF LANCASTER REGIONAL MEDICAL  
 CENTER  
 HIGHLAND HOSPITAL  
 HOLY REDEEMER  
 HOLY SPIRIT HOSPITAL  
 HOSPITAL OF THE UNIVERSITY OF PENNA  
 INDIANA HOSPITAL  
 JAMESON MEMORIAL HOSPITAL  
 JC BLAIR  
 JEANES HOSPITAL  
 JEFFERSON HEALTH SERVICE  
 JENNERSVILLE REGIONAL HOSP  
 JERSEY SHORE HOSPITAL  
 KANE COMMUNITY  
 KENSINGTON HOSPITAL  
 LANCASTER GENERAL  
 LANCASTER REGIONAL MED CTR  
 LANKENAU HOSPITAL  
 LATROBE AREA  
 LEHIGH VALLEY HOSP—MUHLENBERG  
 LEHIGH VALLEY HOSPITAL  
 LEWISTOWN HOSPITAL  
 LIFECARE HOSPITALS OF PITTSBURGH  
 LOCK HAVEN HOSP  
 M S HERSHEY MEDICAL CENTER  
 MAGEE WOMEN'S  
 MARIAN COMMUNITY  
 MEADVILLE MED CTR  
 MEDICAL CENTER, BEAVER. PA  
 MEMORIAL HOSP—YORK  
 MEMORIAL HOSPITAL—TOWANDA  
 MERCY CATHOLIC FITZGERALD  
 MERCY HOSP—PGH  
 MERCY HOSP OF PHILA  
 MERCY HOSPITAL—SCRANTON  
 MERCY JEANNETTE HOSPITAL  
 MERCY SPECIAL CARE  
 MERCY SUBURBAN—NORRISTOWN  
 MEYERSDALE COMMUNITY HOSPITAL  
 MID VALLEY HOSPITAL  
 MILLCREEK COMMUNITY HOSPITAL  
 MINERS HOSPITAL OF N CAMBRIA  
 MINERS MEMORIAL MEDICAL CENTER  
 MONONGAHELA VALLEY  
 MONTGOMERY HOSPITAL MED CTR  
 MOSES TAYLOR  
 MT. NITTANY MED CTR  
 MUNCY VALLEY HOSPITAL  
 NASON HOSPITAL  
 NAZARETH HOSPITAL  
 NPHS—GIRARD  
 NPHS—ST. JOSEPH'S  
 OHIO VALLEY GENERAL  
 PALMERTON HOSPITAL  
 PAOLI MEMORIAL HOSPITAL  
 PENN PRESBYTERIAN MEDICAL CENTER OF UPHS  
 PHOENIXVILLE HOSPITAL OF UPHS  
 PINNACLE HEALTH HOSPITALS  
 POCONO MED CTR

POTTSTOWN MEMORIAL  
 POTTSVILLE HOSPITAL  
 PUNXSUTAWNEY AREA HOSPITAL  
 READING HOSPITAL AND MED CTR  
 RIDDLE MEMORIAL HOSPITAL  
 ROBERT PACKER HOSP  
 ROXBOROUGH MEMORIAL  
 SACRED HEART—ALLENTOWN  
 SAINT CATHERINE HOSPITAL OF PENNSYLVANIA  
 SEWICKLEY VALLEY HOSPITAL  
 SHAMOKIN AREA COMMUNITY HOSPITAL  
 SHARON REGIONAL HEALTH SYSTEM  
 SOLDIERS AND SAILORS MEMORIAL  
 SOMERSET HOSPITAL  
 SOUTHWEST REGIONAL MEDICAL CENTER  
 ST. CLAIR MEMORIAL  
 ST. JOSEPH REGIONAL HEALTH NETWORK  
 ST. LUKE'S—BETHLEHEM  
 ST. LUKE'S—QUAKERTOWN  
 ST. MARY'S—LANGHORNE  
 ST. VINCENT HLTH CTR  
 SUNBURY COMMUNITY  
 TEMPLE EAST  
 TEMPLE LOWER BUCKS HOSPITAL  
 TEMPLE UNIVERSITY CHILDREN'S MEDICAL CTR  
 TEMPLE UNIVERSITY HOSPITAL  
 THOMAS JEFFERSON UNIV HOSPITAL  
 THS—HAHNEMANN UNIV HOSPITAL  
 THS—ST. CHRISTOPHER'S  
 TITUSVILLE AREA HOSP  
 TROY COMMUNITY  
 TYLER MEMORIAL HOSPITAL  
 TYRONE HOSPITAL  
 UNIONTOWN HOSPITAL  
 UNITED COMMUNITY HOSPITAL  
 UNIVERSITY OF PENNSYLVANIA MEDICAL  
 CENTER—PENNSYLVANIA HOSPITAL  
 UPMC—BEDFORD  
 UPMC—BRADDOCK  
 UPMC—HORIZON  
 UPMC—MCKEESPORT  
 UPMC—NORTHWEST MED CTR  
 UPMC—PASSAVANT  
 UPMC—PRESBYTERIAN—SHADYSIDE UNIV HOSP  
 UPMC—SOUTH SIDE  
 UPMC—ST. MARGARET  
 VALLEY FORGE  
 WARREN GENERAL HOSPITAL  
 WASHINGTON HOSPITAL  
 WAYNE COUNTY MEMORIAL  
 WAYNESBORO HOSPITAL  
 WEST VIRGINIA UNIV HOSPITALS, INC.  
 WEST PENN—ALLEGHENY  
 WESTERN PENN—FORBES REGIONAL CAMPUS  
 WESTERN PENNSYLVANIA  
 WESTFIELD MED CTR  
 WESTMORELAND REGIONAL  
 WILLIAMSPORT HOSPITAL & MED CTR  
 WINDBER MED CTR  
 WYOMING VALLEY HLTH CARE SYS  
 YORK HOSPITAL

*Psychiatric Units of Acute Care Hospitals*

ABINGTON MEMORIAL  
 ALBERT EINSTEIN  
 ALIQUIPPA COMMUNITY HOSPITAL  
 ALLEGHENY—KISKI MED CTR  
 ALTOONA

ARMSTRONG COUNTY MEMORIAL  
 BERWICK HOSP CENTER  
 BLOOMSBURG HOSP  
 BRADFORD  
 BRANDYWINE HOSPITAL  
 BRYN MAWR HOSP  
 BUTLER COUNTY MEMORIAL  
 CHAMBERSBURG HOSPITAL  
 CLEARFIELD HOSPITAL  
 COMMUNITY MEDICAL CENTER  
 CONEMAUGH VALLEY  
 CORRY MEMORIAL  
 CROZER—CHESTER  
 DIVINE PROVIDENCE—WMSPT  
 DUBOIS REGIONAL MED CNTR  
 EAGLEVILLE HOSPITAL  
 ELK REGIONAL CTR  
 EPHRATA COMMUNITY  
 FRANKFORD HOSP—BUCKS CO CAMPUS  
 GEISINGER MEDICAL CENTER  
 GEISINGER SOUTH WILKES-BARRE  
 GRANDVIEW  
 HIGHLAND HOSPITAL  
 HOLY SPIRIT  
 HOSP—UNIVERSITY OF PA  
 INDIANA HOSPITAL  
 J C BLAIR  
 JAMESON MEMORIAL HOSP  
 JEFFERSON HEALTH SERV  
 LANCASTER REGIONAL MED CTR  
 LANCASTER GENERAL  
 LATROBE AREA  
 LEHIGH VALLEY HOSPITAL  
 LEWISTOWN  
 MARIAN COMMUNITY HOSPITAL  
 MEADVILLE MED CNTR  
 MEDICAL CENTER, BEAVER PA, THE  
 MERCY CATHOLIC—FITZGERALD  
 MERCY HOSPITAL OF PHILADELPHIA  
 MERCY HOSPITAL—PGH  
 MERCY JEANNETTE  
 MERCY SPECIAL CARE HOSPITAL—NANTICOKE  
 MILLCREEK COMMUNITY HOSPITAL  
 MILTON S. HERSHEY MED CTR  
 MONONGAHELA VALLEY  
 MONTGOMERY  
 MOSES TAYLOR  
 MOUNT NITTANY MEDICAL CENTER  
 NPHS—GIRARD  
 PENN PRESBYTERIAN MED CENTER  
 PINNACLE HEALTH HOSPITALS  
 POCONO HOSPITAL  
 POTTSTOWN MEMORIAL MED CTR  
 POTTSVILLE HOSPITAL  
 READING HOSPITAL  
 ROBERT PACKER  
 SACRED HEART HOSP—ALLENTOWN  
 SEWICKLEY VALLEY HOSP  
 SHAMOKIN AREA COMM HOSP  
 SHARON REGIONAL HLTH SYST  
 SOLDIERS AND SAILORS  
 SOMERSET HOSP CNTR FOR HEALTH  
 SOUTHWEST REGIONAL MEDICAL CENTER  
 ST CLAIR MEMORIAL  
 ST. JOSEPH REGIONAL HEALTH NETWORK

ST LUKES OF BETHLEHEM  
 ST LUKES—QUAKERTOWN  
 ST VINCENT  
 SUNBURY COMMUNITY  
 TEMPLE UNIVERSITY HOSPITAL  
 TEMPLE—LOWER BUCKS  
 THOMAS JEFFERSON  
 THS—HAHNEMANN UNIV HOSP  
 UNIVERSITY OF PENNSYLVANIA MEDICAL  
 CENTER—PENNSYLVANIA  
 UNIV OF PITT MED CTR—BRADDOCK  
 UNIV OF PITT MED CTR—MCKEESPORT  
 UPMC—NORTHWEST MED CTR  
 UPMC PRESBYTERIAN SHADYSIDE  
 WARREN GENERAL  
 WASHINGTON  
 WEST PENN—ALLEGHENY  
 WESTERN PENNSYLVANIA  
 WESTERN PENN HOSPITAL—FORBES REGIONAL  
 CAMPUS  
 WESTMORELAND YORK HOSPITAL

*Drug and Alcohol Units of Acute Care Hospitals*

BUTLER COUNTY MEMORIAL  
 MEADVILLE MED CTR  
 NPHS—ST JOSEPH'S HOSP  
 PRESBY MED CTR OF UNIV OF PA HLTH SYST  
 VALLEY FORGE

*Medical Rehab Units of Acute Care Hospitals*

AI DUPONT  
 ABINGTON MEMORIAL HOSP  
 ALBERT EINSTEIN  
 ALTOONA  
 CARLISLE REGIONAL MEDICAL CENTER  
 CHAMBERSBURG HOSPITAL  
 CHARLES COLE  
 CHILDREN'S HOSPITAL OF PHILADELPHIA  
 CONEMAUGH VALLEY HOSP  
 CROZER—CHESTER MED CNTR  
 DELAWARE CNTY MEM HOSP  
 DUBOIS REG MED CNTR  
 EASTON HOSPITAL  
 GEISINGER—WYOMING VALLEY  
 GNADEN HUETTEN MEMORIAL HOSP—MRU  
 GOOD SAMARITAN HOSPITAL—LEBANON  
 GOOD SAMARITAN REGIONAL MEDICAL CENTER  
 HANOVER HOSPITAL  
 HAZELTON GENERAL HOSPITAL MRU  
 HOSP OF THE UNIV OF PA  
 INDIANA HOSPITAL  
 JAMESON MEMORIAL  
 MERCY JEANNETTE HOSP  
 JEFFERSON HEALTH SERVICES  
 LANCASTER GENERAL HOSP  
 LANCASTER REGIONAL MEDICAL CENTER  
 MERCY CATHOLIC—FITZGERALD  
 MERCY HOSPITAL—PITTSBURGH  
 MILTON S. HERSHEY MED CTR  
 MONONGAHELA VALLEY HOSP  
 NAZARETH  
 OHIO VALLEY  
 PINNACLE HEALTH HOSPITALS  
 POTTSVILLE HOSPITAL  
 READING HOSPITAL  
 SEWICKLEY VALLEY HOSPITAL



ST MARY HOSP—LANGHORNE  
 ST VINCENT HEALTH CNTR  
 TEMPLE UNIVERSITY HOSP  
 THOMAS JEFFERSON UNIV HOSP  
 UPMC—HORIZON  
 UPMC—MCKEESPORT  
 UPMC—NORTHWEST MED CTR UPMC—PRESBYTERIAN SHADYSIDE  
 UPMC—SOUTHSIDE  
 UPMC—ST MARGARET  
 WASHINGTON HOSPITAL  
 WESTMORELAND HOSPITAL  
 WILLIAMSPORT HOSPITAL

*Freestanding Rehab Hospitals*

ALLIED SERVICES REHAB HOSPITAL  
 BRYN MAWR REHAB HOSPITAL  
 CHILDREN'S HOME OF PITTSBURGH  
 CHILDREN'S INSTITUTE  
 GOOD SHEPHERD REHAB HOSPITAL  
 HEALTH SOUTH HARMARVILLE  
 HEALTH SOUTH LAKE ERIE INSTITUTE REHAB  
 HEALTH SOUTH MECHANICSBURG REHAB  
 HEALTH SOUTH PENN STATE GEISENGER REHAB HOSP  
 HEALTH SOUTH READING REHAB HOSPITAL  
 HEALTH SOUTH REHAB HOSPITAL OF YORK  
 HEALTH SOUTH REHAB OF ALTOONA  
 HEALTH SOUTH REHAB OF NITTANY VALLEY  
 HEALTH SOUTH REHAB OF SEWICKLEY  
 JOHN HEINZ INSTITUTE  
 LANCASTER REHAB HOSP  
 MONTGOMERY REHAB  
 PENN STATE HERSHEY  
 MAGEE MEMORIAL REHAB HOSPITAL

*Private Psychiatric Hospitals*

BELMONT CENTER FOR COMP TREATMENT  
 BROOKE GLEN BEHAVIORAL HOSPITAL  
 CLARION PSYCHIATRIC CENTER  
 DEVEREUX—MAPLETON PSYCH CTR  
 FAIRMOUNT BHS  
 FIRST HOSPITAL  
 FOUNDATIONS BEHAVIORAL HEALTH  
 FRIENDS HOSPITAL  
 HORSHAM CLINIC  
 KIDSPEACE  
 KIRKBRIDE CENTER  
 MEADOWS PSYCHIATRIC CENTER  
 MONTGOMERY COUNTY EMERGENCY SERVICE, INC  
 PENNSYLVANIA PSYCH INSTITUTE  
 PHILHAVEN  
 ROXBURY PSYCHIATRIC  
 SOUTHWOOD PSYCH HOSPITAL

*Private Drug and Alcohol Hospitals*

EAGLEVILLE HOSPITAL

*C. Additional Class of Disproportionate Share Payments*

Effective March 1, 1998, the Department established a new class of disproportionate share payments to hospitals which render uncompensated care and which the Department has determined are experiencing significant revenue loss as a result of MA program revisions under the act of May 16, 1996 (P. L. 175, No. 35).

Effective January 15, 1999, the Department established a new class of disproportionate share payments to include a Charity Care component of the Community Access Fund. A disproportionate share payment will be made to qualifying hospitals based on each hospital's percentage of charity care cost to the total charity care costs of all qualifying hospitals. The Department also established a disproportionate share payment for those hospitals which the Department has determined advanced its goal of enhanced access to multiple types of medical care in economically distressed areas of this Commonwealth.

The following hospitals qualify for this payment:

A I DUPONT  
 ABINGTON MEMORIAL  
 ALBERT EINSTEIN  
 ALLIQUIPPA COMMUNITY  
 BARNES KASSON  
 BRADDOCK MEDICAL CENTER  
 CHARLES COLE MEMORIAL  
 CHILDRENS HOSP OF PHILA  
 CLARION  
 CLEARFIELD  
 CROZER—CHESTER MED CTR  
 DOYLESTOWN  
 DUBOIS REGIONAL MED CTR  
 EAGLEVILLE  
 EASTON HOSPITAL  
 EVANGELICAL COMMUNITY  
 FRANKFORD  
 FULTON COUNTY MEDICAL CTR  
 GEISINGER MEDICAL CENTER  
 HAMOT MEDICAL CENTER  
 HOSP OF THE UNIV OF PA  
 INDIANA HOSPITAL  
 J C BLAIR  
 JAMESON MEMORIAL  
 LANKENAU  
 LEHIGH VALLEY  
 LOCK HAVEN  
 MAGEE WOMENS  
 MEADVILLE MED CTR  
 MEMORIAL HOSP BEDFORD  
 MEMORIAL HOSP TOWANDA  
 MERCY CATHOLIC—FITZGERALD  
 MERCY HOSPITAL OF PHILA  
 MERCY HOSPITAL—PGH  
 MERCY JEANNETTE HOSPITAL  
 MILTON S. HERSHEY MED CTR  
 NORTH PHILA HEALTH SYSTEM  
 NPHS—GIRARD  
 PRESBYT MED CTR OF PHILA  
 PRESBYT UNIV HOSPITAL—PGH  
 PUNXSUTAWNEY  
 READING HOSPITAL  
 SOLDIERS AND SAILORS  
 ST LUKES OF BETHLEHEM  
 TEMPLE UNIVERSITY HSP  
 THOMAS JEFFERSON  
 THS—HAHNEMANN HOSPITAL  
 TITUSVILLE  
 UPHS—PENNSYLVANIA HOSPITAL  
 VALLEY FORGE  
 WAYNE COUNTY MEMORIAL  
 WEST PENN—ALLEGHENY  
 WEST VIRGINIA  
 WESTERN PENN  
 YORK HOSPITAL

*Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department at the following address: Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515 Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-553. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 08-1165. Filed for public inspection June 20, 2008, 9:00 a.m.]

### Senior Care and Services Study Commission

The purpose of this notice is to announce the establishment of the Senior Care and Services Study Commission (Commission) under the act of June 30, 2007, (P. L. 49, No. 16) (Act 16). See 62 P. S. §§ 801-D—803-D. Act 16 provides for the establishment of the Commission for the following purposes:

1. Reviewing the care, services and resources available to Commonwealth residents 65 years of age or older.
2. Projecting the future need for care and services through the year 2025.
3. Evaluating the ability of the current assessment and delivery systems to meet the projected service needs.
4. Projecting the resources necessary to meet the projected need and making policy recommendations as to how the projected need can best be met considering the resource limitations that may exist at the time the Commission completes its work.

Under Act 16, the date of the establishment of the Commission shall be the date the last member is appointed to the Commission. See 62 P. S. § 802-D(d)(3). The date of the last appointment occurred May 1, 2008. Therefore, May 1, 2008, shall be considered the date of the establishment of the Commission.

*Public Comment*

Interested persons are invited to submit written comments regarding the contents of this notice to Gail Weidman, Department of Public Welfare, Office of Long-

Term Living, P. O. Box 2675, Harrisburg, PA 17105. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-552. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 08-1166. Filed for public inspection June 20, 2008, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Contemplated Sale of Access Rights

The Department of Transportation (Department) under section 2003(e)(7) of The Administrative Code of 1929 (71 P. S. § 513(e)(7)), intends to sell certain land owned by the Department located in Bradford Township, Clearfield County. The parcel contains 7,079.37 square feet of vacant land on SR 970, Woodland, PA and will be sold "as is." Estimated fair market value is \$3,500. Interested public entities are invited to express their interest in purchasing the site within 30-calendar days from the date of publication of this notice to: 1924 Daisy Street Extension, Clearfield, PA 16830, Attention: Right-of-Way.

Not all Bidding Opportunities are advertised in the *Pennsylvania Bulletin* for State government agencies. Generally, Bidding Opportunities over \$20,000 for materials and \$250,000 for services are advertised on the Department of General Services, Bureau of Procurement web site at [www.dgsweb.state.pa.us/comod/main.asp](http://www.dgsweb.state.pa.us/comod/main.asp). The Bidding Opportunities web site is updated on a daily basis.

Suppliers interested in doing business with Commonwealth agencies are strongly encouraged to register as a portal supplier at [www.pasupplierportal.state.pa.us](http://www.pasupplierportal.state.pa.us).

For more information, contact the Department Supplier Services and Support, (717) 346-2676, (877) 435-7363 (toll free), [rasrmhelp@state.pa.us](mailto:rasrmhelp@state.pa.us).

ALLEN D. BIEHLER, P. E.,  
*Secretary*

[Pa.B. Doc. No. 08-1167. Filed for public inspection June 20, 2008, 9:00 a.m.]

# GOVERNOR'S OFFICE

## Regulatory Agenda

Executive Order 1996-1, requires all agencies under the jurisdiction of the Governor to submit for publication an agenda of regulations under development or consideration. The following is the 25th publication of the Administration's regulatory agenda, grouped by agency. Subsequent agendas will be published on the first Saturdays in February and July.

The agendas are compiled to provide members of the regulated community advanced notice of regulatory activity. It is the intention of the Administration that these agendas will serve to increase public participation in the regulatory process.

Agency contacts should be contacted for more information regarding the regulation and the procedure for submitting comments.

This Agenda represents the Administration's present intentions regarding future regulations. The nature and complexity of an individual regulation obviously will determine whether and when any particular regulation listed as follows (as well as any considered subsequent to publication of this Agenda) is published.

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>ADMINISTRATION</b>			
No regulations being developed or considered at this time.			
<b>AGING</b>			
Pa. Code Title VI Chapter 3 Fair Hearings and Appeals	December 2009.	An internal PDA review has been completed and changes are not required in the regulations at this time. PDA is in the process of reviewing the fair hearing and appeal procedures in conjunction with the Office of Long -Term Living.	Denise Getgen (717) 772-0184
Pa. Code Title VI Chapter 11 Older Adult Daily Living Centers	September 2008, as proposed.	A review of these regulations will be conducted in order to assure consistency with ongoing interdepartmental discussions regarding development of long term care services.	Denise Getgen (717) 772-0184
Pa. Code Title VI Chapter 15 Protective Services for Older Adults	December 2009, as proposed.	The law and regulations will continue to be reviewed in light of pending legislation and the decision of the Pennsylvania Supreme Court in <i>Nixon et al. v. Commonwealth, et al.</i> , which found the current protective services law and regulations to be unconstitutional.	Denise Getgen (717) 772-0184
Pa. Code Title VI Chapter 20 Family Caregiver Support Program	December 2009, as proposed.	A review of these regulations will be conducted in order to assure consistency with ongoing interdepartmental discussion regarding development of the family caregiver support program.	Denise Getgen (717) 772-0184
Pa. Code Title VI Chapter 21 Domiciliary Care Services for Adults	December 2009, as proposed.	A review of these regulations will be conducted in order to assure consistency with ongoing interdepartmental discussions regarding development of community living alternatives.	Denise Getgen (717) 772-0184
Pa. Code Title VI Chapter 23 Long Term Care Ombudsman Program	December 2008, as proposed.	The Department wishes to promulgate regulations for the Long Term Care Ombudsman program in order to bring it into conformity with national standards.	Denise Getgen (717) 772-0184
<b>AGRICULTURE</b>			
Domestic Animal 7 Pa. Code Chapter 2, 3 and 16	December, 2008, as proposed.	This long-term project is intended to update the Department's regulatory authority to make it more consistent with the provisions of the Domestic Animal Law (3 Pa.C.S. §§ 2301—2389).	David Griswold, DVM (717) 772-2852
Cervidae 7 Pa. Code Chapter 18	December, 2008, as proposed.	Act 190 of 2002 amended the Domestic Animal Law to require the Department to license and regulate Cervidae livestock operations. Act 51 of 2006 further amended the requirements for Cervidae livestock operations. (3 Pa.C.S. §§ 2303—2380.9).	David Griswold, DVM (717) 772-2852

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Animal Exhibition Sanitation 7 Pa. Code Chapter 20a	December, 2008, as proposed.	Act 211 of 2002 will require the Department to enforce sanitation requirements at animal exhibitions, and to regulate as necessary to meet this requirement. (3 Pa.C.S. §§ 2501—2504).	David Griswold, DVM (717) 772-2852
Amusement Rides 7 Pa. Code Chapter 139	August, 2008, as final.	This regulation will update the current regulation at 7 Pa. Code Chapter 139 to reflect changes to the Amusement Ride Inspection Act (4 P. S. §§ 401—418).	John Dillabaugh (717) 787-6772
Harness Racing Commission 58 Pa. Code Chapters 181, 183, 185 and 186—190	September, 2008, as proposed.	This regulation is necessary to update current regulations, make them more user-friendly and address conditions which exist in harness racing that did not exist when the current regulations were originally promulgated. This regulation is a long-term project and would amend 58 Pa. Code Chapters 181, 183, 185 and 186—190, including the general authority of the Commission and provisions relating to associations licensed to conduct pari-mutuel wagering, individual licensing, licensing of officials, rules of the conduct of races, veterinary practices, equine health and medication, wagering, due process and disciplinary action.	Cheryl Cook (717) 787-5196
Horse Racing Commission 58 Pa. Code Chapters 161, 163, 165, 167, 169, 171 and 173	September, 2008, as proposed.	This regulation is necessary to update current regulations, make them more user-friendly and address conditions which exist in thoroughbred horse racing that did not exist when the current regulations were originally promulgated. This regulation is a long-term project and would amend 58 Pa. Code Chapters 161, 163, 165, 167, 169, 171 and 173 including the general authority of the Commission and provisions relating to associations licensed to conduct pari-mutuel wagering, individual licensing, licensing of officials, rules of the conduct of races, veterinary practices, equine health and medication, wagering, due process and disciplinary action.	Cheryl Cook (717) 787-1942
Pesticide Regulations 7 Pa. Code Chapter 128	January, 2009, as proposed.	This regulation will amend 7 Pa. Code Chapter 128 and is necessary to update current regulations, to make them more user friendly, address pesticide security issues, set minimum certification age requirements, dealer licensing, and changes in federal pesticide registration changes.	David Scott (717) 772-5214
Fertilizer Regulations 7 Pa. Code Chapter 73	September, 2009, as proposed.	This regulation will replace 7 Pa. Code Chapter 73 and implement provisions of 3 Pa.C.S.A. §§ 6701—6725 (Fertilizer Act).	John Breitsman (717) 772-5215
Soil and Plant Amendment Regulations 7 Pa. Code Chapter 130a	September, 2009, as proposed.	This regulation will replace 7 Pa. Code Chapter 130a and implement provisions of 3 Pa.C.S.A. §§ 6901—6921 (Soil and Plant Amendment Act).	John Breitsman (717) 772-5215
Dog Law 7 Pa. Code Chapters 23, 25 and 27	This proposed regulation has been withdrawn as of May 17, 2008.	House Bill 397 of 1996 accomplished revisions of the Dog Law that will necessitate regulatory revisions. This regulation is a long-term project and would amend 7 Pa. Code Chapters 23, 25 and 27 to bring them into greater conformity with statutory revisions. The Dog Law (3 P. S. § 459-10 et seq.) is the statutory basis for this regulation.	Jessie Smith Special Deputy Secretary (717) 214-3758
Clean and Green Regulations 7 Pa. Code Chapter 137b	March, 2008, as proposed.	This regulation will address statutory changes made by Act 235 of 2004, and will otherwise update the current regulation.	Douglas Wolfgang (717) 783-3167

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Agricultural Conservation Easement Purchase Program Regulations 7 Pa. Code Chapter 138e	July, 2008, as proposed.	This regulation will address statutory changes made by Act 61 of 2005 and Act 46 of 2006, and will otherwise update the current regulation.	Douglas Wolfgang (717) 783-3167
Seed Testing Labeling and Standards 7 Pa. Code Chapter 111	November, 2008, as final.	This regulation will supplant the current regulation and implement provisions of 3 Pa.C.S.A §§ 7101—7122 (Seed Act).	Joe Garvey (717) 787-5609
General Provisions for Seed Certification 7 Pa. Code Chapter 113	November, 2008, as final.	This regulation will replace 7 Pa. Code Chapter 113 and implement the provisions of 3 Pa.C.S.A. §§ 7101—7122 (Seed Act).	Joe Garvey (717) 787-5609
Standards for Seed Certification 7 Pa. Code Chapter 115	October, 2008, as final.	This regulation will replace 7 Pa. Code Chapter 115 and implement the provisions of 3 Pa.C.S.A. §§ 7101—7122 (Seed Act).	Joe Garvey (717) 787-5609
Odor Management Plan Writer Certification 7 Pa. Code Chapter 130f	Notice of proposed rulemaking was published at 37 Pa. B. 5793 (October 27, 2007).  August, 2008, as final.	This regulation will add section 130f to 7 Pa. Code. The regulation is required by Act 38 of 2005 (commonly referred to as ACRE). The regulation establishes certification requirements for public, commercial and independent odor management plan writers.	Johan Berger (717) 787-4189

***BANKING***

Annual Assessment Regulation	Early 2009	Required pursuant to 17 Pa.C.S. § 503(a) and 71 P. S. § 733-204.A.	Carter D. Frantz Chief Counsel (717) 787-9573
Regulations defining proper conduct of the mortgage loan business	Mid - 2008	63 P. S. § 456.310(a); 7 P. S. § 6616(1); 7 P. S. § 6212.	Carter D. Frantz Chief Counsel (717) 787-9573
Regulations governing check cashing business	Early 2009	63 P. S. § 2304(1)	Carter D. Frantz Chief Counsel (717) 787-9573
Regulations governing money transmission business	Early 2009	7 P. S. § 6114	Carter D. Frantz Chief Counsel (717) 787-9573

***BOARD OF PARDONS***

No regulations being developed or considered at this date.

***COMMUNITY & ECONOMIC DEVELOPMENT***

Neighborhood Assistance Program 12 Pa. Code Chapter 135 (Regulation)	Fall of 2008	The purpose of the regulation is to establish new special program priorities and to update the regulation with respect to recent legislative changes to the Neighborhood Assistance Act.	Jill Busch (717) 720-7314
Industrialized Housing and Components 12 Pa. Code Chapter 145 (Proposed Regulation)	Fall of 2008	The purpose of the proposed regulation is to update the regulations to keep pace with changes in the housing industry.	Jill Busch (717) 720-7314

***COMMISSION ON CRIME AND DELINQUENCY***

No regulations being developed or considered at this time.

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>CONSERVATION &amp; NATURAL RESOURCES</b>			
State Forests (Chapter 21)	Publish proposed rulemaking September 2008	A number of provisions in this chapter need to be clarified and updated. The State Forest Picnic Area Chapter (23) will be incorporated into this chapter to eliminate duplication and for ease of reference. Legal basis: Sections 302, 313, 502 of the Conservation & Natural Resources Act (71 P. S. §§ 1340.302, 1340.313, 1340.502)	Matt Beaver, (717) 783-4543 Susan Wood, Esq. (717) 772-4171
State Forest Picnic Areas (Chapter 23)	Publish proposed Rulemaking September 2008	The provisions of this chapter will be incorporated into Chapter 21 (State Forests) for purposes of simplification and ease of reference. Legal basis: Sections 302, 313, 502 of the Conservation & Natural Resources Act (71 P. S. §§ 1340.302, 1340.313, 1340.502)	Matt Beaver, (717) 783-4543 Susan Wood, Esq. (717) 772-4171
<b>CORRECTIONS</b>			
Revisions to the existing regulations governing county correctional facilities, 37 Pa. Code Chapter 95.	August, 2008 as final.	The regulations are being revised to eliminate unnecessary regulations and amending necessary regulations to be consistent with current correctional practice.	William Sprenkle (717) 975-4965
Promulgation of state intermediate punishment regulations.	July, 2008, as final.	The regulations will replace the guidelines currently in effect.	Randall N. Sears (717) 731-0444
Amendments to 37 Pa. Code § 94.4	September, 2008, as proposed.	The amendment will restrict the ability of individuals to purchase items from outside the institution for inmates.	Randall N. Sears (717) 731-0444
<b>EDUCATION</b>			
Higher Education—Institutional Approval 22 Pa. Code, Chapter 40	October 2008, as final.	These regulations establish procedures for the approval and operation of independent two-year college, college seminary or university, or for status as a State System, State-related or State-aided institution for the purposes of awarding college credits and granting degrees.	Jim Buckheit or Deborah Wynn (717) 787-3787
Standards for Approved Private Schools 22 Pa. Code, Chapter 171 Subchapters A & C	Summer 2008, as final.	These standards define the elements of Approved Private Schools and the Chartered Schools (schools for the deaf and blind). These standards contain general provisions and allowable expenses and costs. The standards are promulgated under the Authority of the Public School Code of 1949, as amended, P. L. 30, No. 14, March 16, 1949, 24 P. S. Section 1-101, et. seq.	John Tommasini (717) 783-6134
Academic Standards and Assessment, 22 Pa. Code, Chapter 4	November 2008, as final.	These regulations outline state academic standards that public schools must provide instruction to bring students up to proficiency and also provides for the Pennsylvania System of School Assessment, high school graduation requirements and requirements for credentials other than the high school diploma.	Jim Buckheit (717) 787-3787 or Diane Castelbuono (717) 787-2127
Higher Education—Program Approval 22 Pa. Code, Chapter 42	October 2008, as final.	These regulations establish procedures for approval of specialized associate degree programs, upper division programs at 2-year and community colleges, graduate programs and vocational education programs.	Jim Buckheit or Deborah Wynn (717) 787-3787

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Regulations of the State Board of Private Academic Schools 22 Pa. Code, Chapters 51, 53, 55, 57, 61 and 63	Fall 2008, as proposed.	These regulations define the requirements for obtaining licensure as a Private Academic School. The Board plans to update the regulations, which were promulgated in 1988. The regulations are promulgated under the Authority of the Private Academic Schools Act (24 P. S. § 6701 et. seq.)	Linda Rhen (717) 705-5014  or  Parker Martin (717) 783-9280
Academic Standards and Assessment— 22 Pa. Code Chapter 4 Appendix A Academic standards for reading, writing, speaking and listening and mathematics	September 2008, as proposed.	Chapters 4 sets forth requirements for instruction, graduation, strategic planning and assessment based on state academic standards. The standards for reading, writing, speaking and listening and mathematics were issued in January 1999. The Board, in accordance with § 4.12(i) seeks to review the standards for the purpose of clarifying, consolidating and correcting the standards.	Jim Buckheit  or  Deborah Wynn (717) 787-3787
Academic Standards and Assessment— 22 Pa. Code Chapter 4 Appendix A Academic standards for science and technology, environment and ecology, history, civics and government, economics and geography	January 2009, as proposed.	Chapter 4 sets forth requirements for instruction, graduation, strategic planning and assessment based on State academic standards. The standards for science and technology and environment and ecology were issued in January 2002. The standards for the social studies (history, civics and government, economics and geography) were issued in January 2003. The Board, in accordance with Section 4.12(i) seeks to review the standards for the purpose of clarifying, consolidating and correcting the standards.	Jim Buckheit  or  Deborah Wynn (717) 787-3787
Regulations for Pennsylvania Pre-K Counts, Section 1511D, of Act 45, Amending the School Code	December 2008, as proposed, Final-Omitted Regulations	These regulations implement the guidelines, standards and procedures relevant to the Pennsylvania Pre-K Counts program providing early childhood educational opportunities to 3 and 4 year-olds by local educational agencies, child care centers and group child care homes, Head Start grantees and licensed nursery schools as final-omitted regulations.	Harriet Dichter (717) 346-9320  or  Linda Brown Warren (717) 346-4036
<b><i>EMERGENCY MANAGEMENT AGENCY</i></b>			
No regulations being developed or considered at this time.			
<b><i>ENVIRONMENTAL HEARING BOARD</i></b>			
Pa. Code Title 25 Chapter 1021 Practice and Procedure	The Environmental Hearing Board intends to submit proposed rulemaking in June or July 2008.	The Environmental Hearing Board Rules Committee has recommended revising the Board's rules of practice and procedure to add new rules addressing the following issues: 1) default judgment; 2) withdrawal of appeals without prejudice; 3) prepayment of penalties and 4) expedited litigation. The Rules Committee has also recommended revisions to existing rules, including summary judgment, discovery, participation in litigation by parties of interest. The Board is also considering a pilot project before adopting a new rule on electronic discovery.	Maryanne Wesdock (412) 565-5245
<b><i>ENVIRONMENTAL PROTECTION</i></b>			
Areas Unsuitable for Surface Mining 25 Pa. Code, Chapter 86	FY 08-09	Proposed designation of 3,200 acre Muddy Run Watershed in NE Cambria County as Unsuitable for Mining. A designation would protect a drinking water supply for over 550 households.	Geoff Lincoln (717) 783-9582 glincoln@state.pa.us
Noncoal Program Noncoal Surface Mining Conservation and Reclamation Act 25 Pa. Code, Chapter 77	FY 08-09	Revisions to Chapter 77 (Noncoal Mining) that govern the licensing of mine operators and permitting of mines for minerals other than coal. Specific areas for revision include clarification of permit application requirements including, hydrologic data requirements.	Bill Allen (717) 783-9580 wallen@state.pa.us

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Oil & Gas Well Program Oil and Gas Act 25 Pa. Code, Chapter 78	FY 08-09	Revisions to Chapter 78 (Oil and Gas Wells) that governs the drilling, operation and plugging of oil and gas wells. Includes changes to bond amount and plugging procedures to attain a more effective seal; quantity and quality for replacement water supplies as well as adequate operation and maintenance; and alternate requirements for casing, cementing and plugging wells through mineable coal seams to facilitate future mining through the wells or recovery of coal bed methane prior to mining.	Ron Gilius (717) 772-2199 rgilius@state.pa.us
Remining Financial Guarantees and Federal OSM Consistency Rule Surface Mining Conservation & Reclamation Act 25 Pa. Code, Chapters 86, 87, and 88	FY 08-09	Revisions to Chapter 86—88 to include remining financial guarantees proposal, and revisions to address program conditions that are currently inconsistent with federal OSM rules, including self-bonding, decisions on incidental coal extraction, coal exploration on areas unsuitable for mining, impoundment design criteria, and disposal of noncoal waste and NPDES permit-by-rule for abandoned mine discharges.	Bill Allen (717) 783-9580 wallen@state.pa.us
Water Supply Replacement Surface Mining Conservation & Reclamation Act 25 Pa. Code, Chapters 87, 88	FY 08-09	Revisions to Chapters 87 and 88, which will clarify what is necessary to meet the coal mine operator's obligation to permanently pay the operation and maintenance costs for replacement water supplies.	Keith Brady (717) 787-4814 kbrady@state.pa.us
Mine Subsidence Insurance Fund General Provisions The Act of August 23, 1961 (P. L. 1068, No. 484), as amended, (52 P. S. §§ 3201—3225) (Act). 25 Pa. Code, Chapter 401 *See note in Summary	FY 08-09	Revisions to Chapter 401 to expand Mine Subsidence Insurance (MSI) coverage to apply to appurtenances to structures as well as to structures, the removal of provisions that change periodically, such as premium rates and policy limits, so that they can be provided in the insurance policy, the explicit authority to provide grants, the option to compensate for the cost to repair or the diminution in market value (this option will allow an otherwise uninsurable to continue to carry coverage after a loss), and other editorial changes.  *Note: Section 19 of the Act provides that the MSI Board has the authority to promulgate rules and regulations and to establish other provisions of the insurance policy as it deems prudent.	Larry Ruane (717) 783-9590 lrune@state.pa.us
Mining Program Fees Surface Mining Conservation and Reclamation Act, Noncoal Surface Mining Conservation and Reclamation Act 25 Pa. Code, Chapters 77, 86, 210 & 211.	FY 08-09	Increase permit application fees to support program activities.	Bill Allen (717) 783-9580 wallen@state.pa.us
Bluff Recession and Setback Amendments Bluff Recession and Setback Act 25 Pa. Code, Chapter 85	FY 08-09	This proposal will update Chapter 85 based on the bluff study that resulted from a petition submitted by the Millcreek Township Board of Supervisors, Erie County.	Andrew Zemba (717) 772-5633 azemba@state.pa.us



<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Administration of Sewage Facilities Planning Program 25 Pa. Code, Chapter 71	FY 08-09	Comprehensive reorganization and revision to replace Chapter 71 with Chapter 71a. Major revisions include restructuring and updates based on changes to other regulations.	John Diehl (717) 787-8184 jdiehl@state.pa.us
Administration of Sewage Facilities Permitting Program 25 Pa. Code, Chapter 72	FY 08-09	Comprehensive reorganization and revision to replace Chapter 72 with Chapter 72a. Major revisions include restructuring and updates based on changes to other regulations.	John Diehl (717) 787-8184 jdiehl@state.pa.us
Standards for Sewage Disposal Facilities 25 Pa. Code, Chapter 73	FY 08-09	Comprehensive reorganization and revision to replace Chapter 73 with Chapter 73a. Major revisions include replacing the current prescriptive standards with performance standards.	John Diehl (717) 787-8184 jdiehl@state.pa.us
General Provisions Clean Streams Law 25 Pa. Code, Chapter 91	FY 08-09	This proposal will include amendments to Chapter 91 to require a management plan as part of the permit application, and clarify issuance of innovative technology permits for wastewater treatment facilities. The proposal will also include revisions to account for changes to CAFO regulations.	Parimal Parikh (717) 787-8184 pparikh@state.pa.us
National Pollution Discharge Elimination System Permitting, Monitoring and Compliance—NPDES Clean Water Act Clean Streams Law 25 Pa. Code, Chapter 92	FY 08-09	Comprehensive reorganization and revision to replace Chapter 92 with Chapter 92a, organized similarly to 40 CFR 122. Major revisions include provisions for a new fee structure, permit-by-rule for Single Residence STPs, and provisions for issuance of NPDES permits covering a watershed.	John Wetherell (717) 705-0486 jwetherell@state.pa.us
Clark Creek, et al Stream Redesignations Package Clean Streams Law 25 Pa. Code, Chapter 93	FY 08-09	This proposal identifies six streams UNT Lackawanna River (Clark Creek) (Wayne County), Pine Creek (Schuylkill County), UNT Conestoga Creek (Lancaster County), Hammer Creek, (Lebanon & Lancaster Counties), Spring Mill Creek (Montgomery County), and Cacoosing (Berks County) that should be redesignated to provide the correct aquatic life use designation in the water quality standards for these Commonwealth streams.	Rodney McAllister (717) 787-9637 romcallist@state.pa.us
Blue Eye Run, et al. Stream Redesignations Package Clean Streams Law 25 Pa. Code, Chapter 93	FY 08-09	This proposal identifies seven stream segments (Blue Eye Run (Warren County), E. Br. Dyberry Creek (Wayne County), East Hickory Creek (Warren County), Muncy Creek (Sullivan County), Spruce Run (Union County), UNT Tunkhannock Creek (Susquehanna County), and Young Womans Creek (Clinton County) that should be redesignated to provide the correct aquatic life use designation in the water quality standards for these Commonwealth streams.	Rodney McAllister (717) 787-9637 romcallist@state.pa.us
Triennial Review of Water Quality Standards Clean Streams Law 25 Pa. Code, Chapter 93 Water Quality Standards and Chapter 16 Water Quality Toxics Management Strategy—Statement of Policy	FY 08-09	This review identifies amendments to the Water Quality Standards and the Water Quality Toxics Management Strategy—Statement of Policy. Water Quality Criteria and Standards in Chapters 93 and 16 are revised to reflect the latest scientific information and Federal guidelines for criteria development, as required by the triennial review requirements in the Federal Clean Water Act. These amendments will also merge portions of Chapter 16 into the regulations in Chapter 93.	Tom Barron (717) 787-9637 tbarron@state.pa.us

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Municipal Wasteload Management 25 Pa. Code, Chapter 94	FY 07-08	Comprehensive Review and revisions to the Chapter. Major changes under consideration include eliminating the “maximum monthly average daily flow” parameter.	Kevin McLeary (717) 787-1820 kmcleary@state.pa.us
Water Quality Standards Implementation Clean Streams Law 25 Pa. Code, Chapter 96	FY 07-08	Redress known sources of impairment. Plan for TMDL and Watershed—Based Permitting. Provide for regulatory coverage of existing policies and practices.	Tom Starosta (717) 787-4317 tstarosta@state.pa.us
Public Notification Revisions Safe Drinking Water Act 25 Pa. Code, Chapter 109	FY 08-09	Amendments to several sections in Chapter 109 to strengthen the public notification (PN) requirements for imminent threat situations. Will include enhancements to the pre-planning requirements in the Operation and Maintenance Plan and Emergency Response Plan sections, and revisions to the Tier 1 PN delivery requirements.	Lisa Daniels (717) 772-4018 ldaniels@state.pa.us
Stage 2 Disinfectants and Disinfection Byproducts Rule Safe Drinking Water Act 25 Pa. Code, Chapter 109	FY 08-09	This rule will implement the requirements of the federal Stage 2 DDBR that was effective March 6, 2006. The rule will require community water systems and noncommunity water systems, which treat drinking water with a primary disinfectant other than UV to conduct additional compliance monitoring for trihalomethanes and haloacetic acids.	Kevin McLeary (717) 783-1820 kmcleary@state.pa.us
Long Term 2 Enhanced Surface Water Treatment Rule Safe Drinking Water Act 25 Pa. Code, Chapter 109	FY 08-09	This rulemaking will amend the Department’s Safe Drinking Water regulations to further protect public health against Cryptosporidium and other microbial pathogens in drinking water. The proposed amendments will apply to public water systems supplied by a surface water source and public water systems supplied by a ground water source under the direct influence of surface water.	Ed Chescattie (717) 772-4046 echescatti@state.pa.us
Chapter 109 General Update Safe Drinking Water Act 25 Pa. Code, Chapter 109	FY 08-09	This general update will revise several sections in Chapter 109 to retain or obtain primacy, including monitoring and reporting requirements for lead, copper, arsenic, radionuclides inorganic chemicals, volatile synthetic organic chemicals, and synthetic organic chemicals. Other sections will be clarified, such as QA/QC requirements for on-line instrumentation; reporting requirements for failure to monitor; and compliance determinations for the chemical contaminants. The update also will include mandatory electronic data reporting requirements.	Lisa Daniels (717) 772-2189 ldaniels@state.pa.us
Operator Certification Program 25 Pa. Code, Chapter 302	FY 08-09	These regulations formalize requirements for certification of drinking water and wastewater system operators.	Veronica Kasi (717) 772-4053 vbkasi@state.pa.us
Lead and Copper Short Term Revisions Safe Drinking Water Act 25 Pa. Code, Chapter 109	FY 08-09	Amendments to incorporate the Federal lead and copper short term revisions into Chapter 109. This Rule will strengthen the implementation of the LCR in the following areas: monitoring, treatment processes, public education, customer awareness, and lead service line replacement.	Lisa Daniels (717) 772-2189 ldaniels@state.pa.us
Drinking Water Fees Safe Drinking Water Act 25 Pa. Code, Chapter 109	FY 08-09	Amendments to update drinking water program fees	Lisa Daniels (717) 772-2189 ldaniels@state.pa.us

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Microbial Pathogens in Groundwater Rule and Variance and Exemptions Minor Revisions 25 Pa. Code, Chapter 109	FY 08-09	This rulemaking will incorporate the Environmental Protection Agency's Final Ground Water Rule, which was promulgated on November 8, 2006, to provide for increased protection against microbial pathogens in public water systems that use ground water sources. It will also incorporate some minor variance and exemptions revisions to be consistent with Federal regulations.	Kevin McLeary (717) 783-1820 kmcleary@state.pa.us
Water Resources Planning Water Resources Planning Act 25 Pa. Code, Chapter 110	FY 08-09	Addition of new Chapter 110 (Water Resources) establishing requirements for the registration, record keeping and periodic reporting of water withdrawals and water uses in accordance with the Water Resources Act (Act 220 of 2002) to provide information for water resources planning and development of the State Water Plan.	Susan Weaver (717) 783-8055 suweaver@state.pa.us
Erosion and Sediment Control and Stormwater Management Clean Streams Law 25 Pa. Code, Chapter 102	FY 08-09	Several major modifications /revisions include: addition of provisions from Chapter 92 that relate to NPDES permitting requirements for discharges associated with Construction activity; incorporate post construction storm water management; incorporate buffer provisions; and revise permit requirements.	Barbara Beshore (717) 772-5961 bbeshore@state.pa.us
Dam Safety and Waterways Management Dam Safety and Encroachments Act and Clean Streams Law 25 Pa. Code, Chapter 105	FY 08-09	Several major modifications/revisions include: changes to permit requirements; permit application requirements; environmental assessment, and wetland replacement criteria.	Kenneth Murin (717) 772-5975 kmurin@state.pa.us
Control of Nitrogen Oxide (NOx) Emissions from Glass Furnaces Air Pollution Control Act, 25 Pa. Code, Chapters 121 and 129	FY 08-09	The proposed rulemaking establishes nitrogen oxide (NOx) emission control requirements, emission standards and emission limitations for glass melting furnaces during the ozone season (May 1 through September 30) and related administrative requirements for glass melting furnaces, starting in May 2009. Adoption of NOx emission limits for glass melting furnaces is part of the Commonwealth's strategy, in concert with other jurisdictions in the Ozone Transport Region (OTR), to reduce transport of ozone to achieve and maintain the health-based 8-hour ozone National Ambient Air Quality Standard. In addition, the strategy will also provide NOx emission reductions necessary to reduce the formation of fine particulates and regional haze.	Jane Mahinske (717) 783-8949 jmahinske@state.pa.us
Control of Nitrogen Oxide (NOx) Emissions from Cement Kilns Air Pollution Control Act 25 Pa. Code, Chapters 121, 129 and 145	FY 08-09	The proposed rulemaking would revise existing NOx emission limits for cement kilns by establishing allowable NOx emission limits for certain types of cement kilns. The proposed rulemaking includes several compliance demonstration options including compliance on a kiln-by-kiln basis, emissions averaging and use of Clean Air Interstate Rule (CAIR) NOx Ozone Season allowances. Adoption of NOx emission limits for cement kilns is part of the Commonwealth's strategy, in concert with other jurisdictions in the Ozone Transport Region (OTR), to reduce the transport of ozone to achieve and maintain the health-based 8-hour ozone National Ambient Air Quality Standard (NAAQS). The Department will also make progress in achieving and maintaining the fine particulates NAAQS.	Jane Mahinske (717) 783-8949 jmahinske@state.pa.us

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Diesel Vehicle Idling Air Pollution Control Act 25 Pa. Code, Chapters 121 and 126	FY 08-09	This final-form rulemaking would establish a new Subchapter F to place time limitations on idling of heavy-duty diesel vehicles to reduce emissions of several pollutants. Exemptions would be provided.	Arleen Shulman (717) 772-3926 ashulman@state.pa.us
Consumer Products Air Pollution Control Act 25 Pa. Code, Chapter 130	FY 08-09	The final-form rulemaking revises the consumer product regulation to add additional categories of regulated products. The revisions will reduce volatile organic compound and hazardous air pollutant emissions. The reductions are reasonably necessary to achieve and maintain the health-based 8-hour ozone National Ambient Air Quality Standard.	Susan Hoyle (717) 772-2329 shoyle@state.pa.us
Adhesives and Sealants Air Pollution Control Act 25 Pa. Code, Chapter 129 and Chapter 130	FY 08-09	The proposal would adopt volatile organic compound (VOC) content limits for 37 categories of adhesives, adhesive primers, sealants, sealant primers, and adhesives applied to certain substrates. The proposal would also add requirements for the control of emissions from the use or application of adhesives, sealants and primers by the owners or operators of stationary sources. This proposal would be consistent with regulatory initiatives recommended by the Ozone Transport Commission to address regional transport of ozone precursor emissions.	Martin Felion (717) 772-3939 mafelion@state.pa.us
Fees Air Pollution Control Act 25 Pa. Code, Chapters 127 and 139	FY 08-09	The proposed rulemaking will amend existing requirements and fees codified in 25 Pa. Code Chapter 127, Subchapter I (relating to plan approval and operating permit fees), and add new categories of fees to Chapter 127, Subchapter I, to address modifications of existing plan approvals and requests for determination of whether a plan approval is required. The proposed rulemaking also adds a new section to address fees for risk assessment applications. The proposed rulemaking will amend the existing emission fee paid by the owner or operator of a Title V facility. The proposed rulemaking will also establish a fee schedule in new Subchapter D of Chapter 139 (relating to testing, auditing and monitoring fees), to add new categories of fees to address Department-performed source testing and auditing and monitoring activities for continuous emission monitoring systems (CEMS).	Dean Van Orden (717) 783-9264 dvanorden@state.pa.us
High Electric Demand Day (HEDD) Air Pollution Control Act 25 Pa. Code, Chapter 145	FY 08-09	The proposal would amend Chapter 145 to limit emissions of nitrogen oxides from electric generating units and emergency generator sets that are smaller than 25 megawatts through limits on NOx emissions or through the purchase of Clean Air Interstate Rule NOx allowances. The proposal would reduce emissions from small uncontrolled units that produce aggregate emissions of NOx on high electric demand days during the ozone season. HEDD units are a significant contributor to NOx emissions on these days. Adoption of NOx emission limits for HEDD is part of the Commonwealth's strategy, in concert with other jurisdictions in the Ozone Transport Region (OTR), to reduce transport of ozone to achieve and maintain the health-based 8-hour ozone National Ambient Air Quality Standard.	Randy Bordner (717) 772-3423 ranbordner@state.pa.us

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Radiological Health and Radon Certification Fees 25 Pa. Code, Chapters 218 and 240	FY 08-09	The amendments in Chapter 218 will increase the annual fees for registration of radiation-producing machines, radiation-producing machine service provides, accelerator licenses and radioactive material licenses as well as the hourly rate professional fee associated with certain full cost recovery licenses. The amendments in Chapter 240 will increase the application fees for certification of radon services.	L. Ray Urciuolo (717) 783-9730 lurciuolo@state.pa.us
Hazardous Waste Program Solid Waste Management Act 25 Pa. Code, Chapters 260—270	FY 08-09	This proposed regulation revises various chapters in Article VII (Hazardous Waste Management) of Subpart D that govern the generation, treatment, storage, transportation and disposal of hazardous waste.	Rick Shipman (717) 783-1736 dshipman@state.pa.us
Administration of the Storage Tank and Spill Prevention Program Storage Tank and Spill Prevention Act 25 Pa. Code, Chapter 245	FY 08-09	Revisions to Chapter 245 to provide for training requirements for three distinct classes of underground storage tank system operators. The proposal will include a description of the classes of operators, required training for each class of operator, deadlines when operator training is required, and acceptable forms of training. The Federal Energy Policy Act of 2005 required EPA to publish operator training guidelines by August 8, 2007. States receiving Federal funding under Subtitle I of RCRA must develop State-specific operator training requirements consistent with the EPA guidelines by August 8, 2009.	Ray Powers (717) 772-5809 rapowers@state.pa.us
Municipal and Residual Waste Amendments Solid Waste Management Act and Waste Transportation Safety Act 25 Pa. Code, Chapters 271—285 and 287—299	FY 08-09	These proposed revisions are comprehensive modifications to the Municipal and Residual Waste Regulations, including: consolidating similar chapters and standardizing provisions, where applicable, between the two volumes; revising and clarifying definitions, including the definition of “waste”; developing additional permits-by-rule; incorporating commodity disposal bans; revising the local and municipal involvement process for waste disposal and processing facility applications; and revising the environmental assessment and harms/benefits test. The package will also include regulations to implement the Waste Transportation Safety Program as authorized by Act 90 of 2002.	Kim Hoover (717) 783-7514 khover@state.pa.us
Administration of the Land Recycling Program (Act 2) Land Recycling and Environmental Remediation Standards Act 25 Pa. Code, Chapter 250	FY 08-09	Revisions to Chapter 250 (Administration of the Land Recycling Program) This proposal includes a number of miscellaneous revisions to the regulations and an update of the Statewide Health Standards Tables based on new toxicological information.	Dave Crownover (717) 783-7502 dcrownover@state.pa.us
Environmental Laboratory Accreditation Environmental Laboratory Accreditation Act (Act 90 of 2002) (27 Pa.C.S. §§ 4101 et seq.) 25 Pa. Code, Chapter 252	FY 08-09	This rulemaking will include a number of amendments to clarify several provisions of the existing regulations in Chapter 252, including the fee structure, definitions, accreditation by rule parameters, and NELAP equivalency.	Martina Q. McGarvey (717) 346-8618 mmcarvey@state.pa.us

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Facility Odor Management 25 Pa. Code, Chapter 83	FY 08-09	This rulemaking provides the State Conservation Commission with oversight to manage the impact of odors generated from animal housing facilities and manure storage facilities on high-density livestock and poultry operations, referred to as Concentrated Animal Operations and from Concentrated Animal Feeding Operations.	Doug Brennan (717) 787-9373 dobrennan@state.pa.us
<b>GENERAL SERVICES</b>			
Surplus State Property 4 Pa. Code Chapters 41, 43, 45 and 47	Fall 2008, as final omitted	These regulations will be updated to reflect current agency practice and procedure.	Mary Benefield Seiverling (717) 772-2749
Responsibility, 4 Pa. Code Chapter 60	Fall 2008, as proposed	This chapter will be amended to be consistent with the Procurement Code and to provide for uniform debarment and suspension procedures.	Mary Benefield Seiverling (717) 772-2749
Prequalification Procedures, 4 Pa. Code Chapter	Fall 2008, as proposed	These new regulations will establish procedures to prequalify bidders and offerors as authorized by § 532 of the Procurement Code.	Mary Benefield Seiverling (717) 772-2749
Committee on Construction Contract Documents, 4 Pa. Code Chapter 62	Summer 2008, as final omitted	The Procurement Code repealed the legislation creating this committee, which no longer exists.	Mary Benefield Seiverling (717) 772-2749
Selections Committee, 4 Pa. Code Chapter 64	Fall 2008, as final omitted	These regulations will be reviewed to ensure that they accurately reflect present practice and are consistent with the Procurement Code.	Mary Benefield Seiverling (717) 772-2749
Emergency Construction Repairs 4 Pa. Code Chapter 67	Fall 2008, as final omitted	The regulations should be amended to more accurately reflect present practice and to delete antiquated contract provisions.	Mary Benefield Seiverling (717) 772-2749
Contract Compliance 4 Pa. Code Chapter 68	Winter 2008, as final omitted	References to the Human Relations Commission will be replaced and current procedures under the DGS programs included.	Mary Benefield Seiverling (717) 772-2749
Methods of Awarding Contracts, 4 Pa. Code Chapter 69	Summer 2008, as final omitted	These regulations should be repealed since they have been superseded by enactment of the Commonwealth Procurement Code.	Mary Benefield Seiverling (717) 772-2749
Commonwealth Parking Facilities, 4 Pa. Code Chapter 71	Summer 2008, as final omitted	The regulations do not reflect changes to agency procedure and practice and the continuing changes to the Capitol Complex.	Mary Benefield Seiverling (717) 772-2749
Commonwealth Automotive Fleet 4 Pa. Code Chapter 73	Winter 2008, as final omitted	These regulations need to be reviewed and updated to reflect current practice.	Mary Benefield Seiverling (717) 772-2749
Processing Subscriptions and Sales of Pennsylvania Code and Related Publications, 4 Pa. Code Chapter 81	Fall 2008, as final omitted	These regulations should be revised since the DGS Bureau of Management Services no longer has responsibility for processing subscriptions and orders for the <i>Pennsylvania Code</i> .	Mary Benefield Seiverling (717) 772-2749
Bookstore Operations, 4 Pa. Code Chapter 83	Fall 2008, as final omitted	These regulations should be revised since the bookstore operations were transferred to the Pa Historical and Museum Commission by statute.	Mary Benefield Seiverling (717) 772-2749

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Exercise of First Amendment Rights on Commonwealth Property 4 Pa. Code Chapter 85	Summer 2008, as final omitted	The regulation will be rewritten to reflect the current organizational structure and to conform to changes which will be made to the Statement of Policy in Chapter 86	Mary Benefield Seiverling (717) 772-2749
Use of the Forum 4 Pa. Code Chapter 87	Summer 2008, as final omitted	The regulations will be amended to reflect the Department's current use of a rental agreement instead of a permit and to reflect the current organizational structure.	Mary Benefield Seiverling (717) 772-2749
<b>HEALTH</b>			
Health Facility Licensure—General Administrative Chapter & General and Special Hospitals 28 Pa. Code § 51.1 et seq. 28 Pa. Code § 101.1 et seq.	September 2008, as proposed.	The amendments to existing regulations will update the licensure requirements for hospitals and other health care facilities. Pursuant to the Health Care Facilities Act (35 P. S. §§ 448.101—448.904b).	Barbara Holland (717) 346-9692  James T. Steele (717) 783-2500
Communicable Diseases 28 Pa. Code § 27.1 et seq.	January 2009, as proposed.	The amendments to existing regulations will clarify the Department's authority to perform disease surveillance and investigation and revise language pertaining to reportable diseases. Pursuant to the Disease Prevention and Control Law of 1955 (35 P. S. §§ 521.1—521.21). Regulations are currently being distributed internally for review and discussion.	Jalene Kolb (717) 783-2500
Supplemental Nutrition Program for Women, Infant's and Children (WIC) 28 Pa. Code § 1101.1 et seq.	August 2008, as proposed.	The amendments to existing regulations will bring the Commonwealth into compliance with the requirements of the federal Child Nutrition and WIC Reauthorization Act of 2004. Pursuant to the Child Nutrition and WIC Reauthorization Act of 2004, Pub. L. No. 108-265, § 203, 118 Stat. 729, 771-780. See, 42 U.S.C. § 1786.	Douglas Snyder (717) 783-2500
School Immunization Requirements 28 Pa. Code §§ 23.83 and 23.86	January 2009, as Final.	The amendments to existing regulations will revise immunization requirements for school entry and attendance, add a grace period for the provision of vaccinations in order for them to be considered valid, and change school reporting requirements to require reporting of doses of vaccine given. Pursuant to the Disease Prevention and Control Law of 1955 35 P. S. § 521.1 et seq.; the Administrative Code of 1921 (71 P. S. § 541(c.1)) and the Public School Code of 1949 (24 P. S. § 13-1303a).	Yvette M. Kostelac (717) 783-2500
Drug and Alcohol confidentiality, disclosure of client-oriented information. 4 Pa. Code § 255.5 (a) (in part) and (b).	January 2009, as final.	The amendment of existing regulations will rescind and amend parts of 4 Pa. Code § 255.5(a) and 4 Pa. Code § 255.5(b), relating to disclosure of information and restrictions on the type of information which can be disclosed to various individuals and entities. Pursuant to 71 P. S. § 751-25 and 71 P. S. § 1690-101 et seq.	Keith B. Fickel (717) 783-2500

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Health Facility Licensure Home Care Agencies and Home Care Registries 28 Pa. Code Chapter 611	July 2008, as final.	These new regulations are being promulgated pursuant to Section 803(10) of the Health Care Facilities Act, Act of July 19, 1979 (P. L. 130, No. 48), as amended, 35 P. S. § 448.803(1), and Act 2006-69 at § 809.1. Act 69 of 2006 expressly authorized the Department to set licensure standards for home care agencies and home care registries. Home care agencies employ direct care workers and home care registries refer direct care workers who are independent contractors to provide home care services to individual in their home or other independent living environment. Home care services include assistance with activities of daily living and instrumental activities of daily living, companionship, respite care and other non-medical services. The regulations were published as proposed on August 11, 2007. Final regulations have been prepared and are with the Governor's Budget, Policy and Legal Office for review and approval.	Karin Simpson (717) 783-2500
Outpatient Integrated Treatment for Persons with Co-Occurring Psychiatric and Substance Use Disorders 28 Pa. Code Chapter 719	September 2008, as proposed	These new regulations would be promulgated, simultaneously with identical regulations from the Department of Public Welfare, to permit providers of drug & alcohol treatment services and mental health treatment services to obtain licenses from the Departments of Health and Public Welfare authorizing them to deliver integrated treatment on an outpatient basis to persons suffering from co-occurring psychiatric and substance use disorders. The proposed regulations would establish minimum requirements for licensure, including staffing, training, records, and other aspects required for appropriate treatment delivery. There are currently no regulations which provide for licensure of providers of integrated treatment for co-occurring disorders. Instead, facilities that wish to provide integrated treatment currently must meet all the requirements to obtain separate licenses for drug and alcohol and mental health treatment. The proposed regulations would simplify the survey and licensure process for providers. These regulations would be published pursuant to the Department's authority under Articles IX and X of the Public Welfare Code (62 P. S. §§ 901—922, 1001—1031, and 1051—1059), as transferred to the Department under Reorganization Plan No. 2 of 1977 (71 P. S. § 751-25) and Reorganization Plan No. 4 (71 P. S. § 751-31), and the Drug and Alcohol Abuse Control Act (71 P. S. §§ 1690.101—1690.114).	Robert T. Datorre (717) 783-2500
<b>HOUSING FINANCE AGENCY</b>			
No regulations being developed or considered at this date.			



<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>INFRASTRUCTURE INVESTMENT AUTHORITY</b>			
25 Pa. Code §§ 963.12(a)(6) and (7) 963.13(b) 2, 963.13(c), 963.14(a), 963.15(a), 963(15) (c), 25 Pa. Code § 965.4(9), and 25 Pa. Code § 965.7.	Winter 2008	<p>PENNVEST recommends the following revisions:</p> <p>(1) Delete 25 Pa. Code § 963.12(a) (6) in its entirety and the second sentence of 25 Pa. Code § 963.13(b)(2) thereby allowing PENNVEST to provide financial assistance (loan or grant) for costs associated with the development of an approvable official sewage plan under the Sewage Facilities Act, 35 P. S. § 750.1 et seq.</p> <p>(2) Delete 25 Pa. Code § 963.12(a)(7) thereby allowing PENNVEST to provide financial assistance (loan and grant) for costs associated with the extraction for profit of minerals or other resources from wastewater or sludge whether the project is sponsored by a public or private actor.</p> <p>(3) Amend 25 Pa. Code § 963.13 (c) by revising the section to provide for an amortization of advance funding loans with a term of 59 months of interest only and repayment on principal and interest on the 60th month.</p> <p>(4) Amend 25 Pa. Code § 963.14(a) by revising the section to clarify when the use of an affordability analysis for the award of grants is necessary.</p> <p>(5) Amend 25 Pa. Code § 963.15(a) by revising the first sentence to provide for a change in the normal loan term to allow 3 years of interest only prior to principal amortization.</p> <p>(6) Amend 25 Pa. Code § 963.15 (c)(5) to provide that maximum interest rates on loans shall be determined based upon the unemployment rate for the applicable county in the most recent calendar year for which data has been finalized as of the application cutoff date.</p> <p>(7) Amend 25 Pa. Code § 965.4 (9) to allow for eligible land costs under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.</p> <p>(8) Amend 25 Pa. Code § 965.7 to eliminate the requirement for a second opinion project review if the applicant is able to prove to the satisfaction of PENNVEST that no alternative methodologies are available to reduce project costs for projects with construction costs plus contingency in excess of \$10 million.</p>	Shawn W. Weis (717) 783-6776
<b>INSURANCE</b>			
Continuing Education for Insurance Agents and Brokers, 39, §§ 39.1—39.12, New Chapter 39a	Fall 2008, as proposed.	Act 147 of 2002 sets new standards for Producers in the Commonwealth. This chapter will be repealed and replace with new regulation consistent with the statute. This regulation will be updated to reflect education and training of producers.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Motor Vehicle Financial Responsibility Law—Evidence of Financial Responsibility, 31 Pa. Code, Chapter 67, §§ 67.21—67.28	Winter 2008, as proposed.	Amend to make the regulation consistent with statutory requirements.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Replace Life Insurance Annuities, 31 Pa. Code, Chapter 81, §§ 81.19	Winter 2008, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Actuarial Opinion and Memorandum Regulation, 31 Pa. Code, Chapter 84b, §§ 84b.1—84b.11	Fall 2008, as final.	To comply with the NAIC model regulation.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Preparation of Filing of Property and Casualty Forms for Approval, 31 Pa. Code, Chapter 133, §§ 133.1—133.12	Fall 2008, as final.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Description of Reserves—Prohibited Phrases, 31 Pa. Code, Chapter 139, §§ 139.1—139.3	Fall 2008, as final.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Annual Audited Insurers' Financial Report Regulation, 31 Pa. Code, Chapter 147, §§ 147.1—147.15	Winter 2008, as proposed.	Amend to remain consistent with NAIC model.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Military Sales Model Regulation, New Regulation	Summer/Fall 2008, as proposed.	To adopt the NAIC model in response to Congress' direction in Section 9 of the Military Personnel Financial Services Protection Act.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
<b>LABOR AND INDUSTRY</b>			
Repeal of mine and excavation regulations, Title 34, Chap. 33, Bureau of Occupational and Industrial Safety.	Submit final-omitted regulation in Summer 2008.	Will revoke Labor and Industry's authority to regulate mines and excavations. The Department of Environmental Protection now has this authority.	Edward Leister (717) 787-3323
Liquefied Petroleum Gas, Title 34. Bureau of Occupational and Industrial Safety.	Submit proposed rulemaking in Summer 2008.	Will enact the Propane and Liquefied Petroleum Gas Act passed in June 2002. Will govern the design, installation and construction of containers and equipment for storage and handling of liquefied petroleum gas, specify the odorization of the gases and establish guidelines for the processing and technologies that are not covered by industry standards.	Edward Leister (717) 787-3323
Storage and Use of Flammable and Combustible Liquids, Title 37, Part I Chap. 13, Bureau of Occupational and Industrial safety	Submit proposed rulemaking in Summer 2008.	Amend existing regulations to provide requirements for unattended self-service stations.	Jack Davenport (717) 772-2443
Business Enterprise Program, Title 34. Bureau of Blindness and Visual Services	Submit proposed rulemaking in Fall 2008.	Concerns operation of snack bars and similar operations in Commonwealth facilities under the Federal Randolph-Sheppard Act and related Pennsylvania laws.	David DeNotaris (717) 783-3784
Office of Vocational and Rehabilitation, Title 34.	Submit final rulemaking in Spring 2008.	Regulations will govern the registration process and implement the Sign Language Interpreter and Transliterator Registration Act which was enacted in 2004. (Act 57 of 2004).	Sharon Behun (717) 783-4192

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Unemployment Compensation, Title 34, Bureau of Unemployment Compensation Tax Services	Submit proposed rulemaking in Summer 2008.	Update Unemployment Compensation tax and select benefit regulations.	Scott Miedrich (717) 787-2097
Unemployment Compensation, Title 34, Bureau of Unemployment Compensation Benefits	Submit proposed rulemaking in Summer 2008.	Update requirements and procedures for filing benefit claims and applications.	Jeri Morris (717) 787-3667
Unemployment Compensation, Title 34, Chapter 101, Unemployment Compensation Board of Review	Submit proposed rulemaking in Winter 2009.	Update appeal and hearing procedures to reflect evolving procedures and statutory changes.	Edward Rawlings (717) 787-1620
Bureau of Workers' Compensation, Title 34, Chapter 127, Medical Cost Containment	Withdraw proposed rulemaking (#12-72). Submit revised proposed rulemaking Summer 2008.	Update processes governing medical care and costs under the Workers' Compensation Act.	John T. Kupchinsky (717) 783-5421
Bureau of Workers' Compensation, Title 34, Chapter 125A, Self-Insurance	Submit proposed rulemaking in Summer 2008.	Clarify standards and security requirements for individual self-insured employees.	George Knehr (717) 783-4476
Bureau of Workers' Compensation, Title 34, Chapter 131	Submit proposed rulemaking in Summer 2008.	Update procedures for proceedings before workers' compensation judges and incorporating Act 147 of 2006.	Elizabeth A. Crum (717) 787-5082
Workers' Compensation Appeal Board, Title 34, Chapter 111	Submit proposed rulemaking in Summer 2008.	Update procedures for Workers' Compensation Appeal Board.	Susan McDermott (215) 560-4583
Bureau of Mediation, Title 34	Submit proposed rulemaking in Fall 2008.	Specify procedures and process for Bureau mediators.	William D. Gross (717) 787-2803
Bureau of Labor Law Compliance, Title 34, Chapter 231, Minimum Wage	Submit proposed rulemaking in Fall 2008.	Update provisions and rescind expired Food-Service Employee Incentive Program.	James A. Holzman (717) 787-4186
<b>MILITARY AND VETERANS AFFAIRS</b>			
State Veterans' Homes 43 Pa. Code Section 7.1 et seq.	October 2008 as proposed.	This regulation is necessary to update current regulations, make them more user-friendly. This regulation is a long-term project and would amend 43 Pa. Code Chapter 7.	Dennis T. Guise (717) 861-8503
<b>MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION</b>			
Municipal Police Officers' Education and Training Commission. 37 Pa. Code Chapter 204	Final regulations, January 2009.	Act 79 of 2005 requires the Commission to promulgate regulations to implement the Retired Law Enforcement Identification Act.	Syndi L. Guido (717) 772-0905
<b>PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM</b>			
No regulations being developed or considered at this time.			

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>PROBATION AND PAROLE</b>			
The County Probation and Parole Officers Firearms Education and Training Law 61 P. S. § 332.5(13) requires the Commission to "make rules and regulations and to perform other duties as may be reasonably necessary or appropriate to implement the training program for county probation and parole officers."	The proposed regulation was published in the Pa. Bulletin in the fall of 2006. The regulations are currently undergoing IRRC review.	The County Probation and Parole Officers' Education and Training Commission is in the process of promulgating these regulations and anticipates the completion of final regulations by Summer 2008 for publication in the PA Bulletin.	Todd Burns (717) 787-5699 Ext. 389
The Parole Act, 61 P. S. § 331.21(b) requires the Board to establish rules and regulations for the payment of fees for screening tests for controlled substances.	The draft regulation is expected published in late Fall 2008 or early 2009.	The Board is working on the draft regulation to be submitted for review in mid-Summer 2008 by OGC.	Daniel Hazelett (717) 787-5699 Ext. 427
<b>PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM</b>			
Portions of 22 Pa. Code, Part XIII, Chapters 201, 211, 213, 215	Hearing before IRRC on June 5, 2008, with regulations anticipated to be effective within 1-2 months from the date of the hearing.	This proposal is being made to formalize and clarify current practices, remedy problems that have arisen and reflect issues unique to PSERS. Definitions that simply copy the Retirement Code or were outdated were deleted. Regulations that are outdated were, in some instances, moved to a more appropriate section based on content and then deleted for non-applicability. New regulations were added to provide a clear, concise understanding of the Board's policies and procedures in accordance with the Retirement Code. The majority of the amendments to these regulations were to correct grammatical errors and editorial changes to improve readability and to provide consistency with the Retirement Code.	Frank Ryder (717) 720-4733
<b>PUBLIC WELFARE</b>			
Administration of County Children and Youth Programs 55 Pa. Code Chapter 3130	April 2009, as proposed	This regulation incorporates the amendments to the Juvenile Act as a result of Act 126 of 1998 and the federal regulations (effective March 27, 2000) for Title IV-B and Title IV-E funding for child welfare services for children in their own homes and for children receiving placement services. Major changes include permanency hearings and the matters to be determined, requirements related to reasonable efforts including aggravated circumstances contrary to the welfare and best interests and redefining permanency goals for children.	Ruth O'Brien (717) 783-2800
Administration and Operation of a Children and Youth Social Services Agency 55 Pa. Code Chapter 3680	September 2009, as proposed	This regulation incorporates the changes identified in the Child and Family Services Review, including requirements for visitation with fathers and non-custodial parents and between siblings; concurrent planning; improving permanency outcomes for children; and preserving connections with family and community for children placed out of the home.	Ruth O'Brien (717) 783-2800

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Food Stamp Disqualification Penalties 55 Pa. Code Chapter 501	February 2009, as proposed	This regulation incorporates a revision to the Food Stamp disqualification penalties as required under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). The revision increases the Food Stamp intentional program violation disqualification penalties from six months to one year for the first violation and from one year to two years for the second violation. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups.	Ruth O'Brien (717) 783-2800
Family Violence Option 55 Pa. Code Chapter 108	August 2008, as proposed	This regulation codifies the provision in the TANF State Plan to screen and identify victims of domestic violence, refer those individuals to counseling and supportive services, establish service plans, provide universal notification and make appropriate referrals to social service agencies. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups.	Ruth O'Brien (717) 783-2800
Medical Assistance Changes (MAC) 55 Pa. Code Chapters 133, 140, 141, 178 and 181	May 2009, as proposed	This regulation incorporates eligibility requirements for Temporary Assistance for Needy Families (TANF)-related, Supplemental Security Income (SSI)-related and General Assistance (GA)-related Medicaid. Some of the major changes include revisions to: 1) the application and redetermination process; 2) the qualification requirements and eligibility rules for Healthy Beginnings; 3) the income eligibility methodologies for TANF-related categories of Medicaid; 4) the income and resource requirements for the Medicaid Program; 5) Extended Medical Coverage to include provisions as set forth in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA); 6) the GA-related Nonmoney Payment (NMP) and Medically Needy Only (MNO) eligibility criteria as set forth in Act 35; 7) the qualifying criteria for TANF-related categories to include a new eligibility group as set forth in § 1931 of the Social Security Act.	Ruth O'Brien (717) 783-2800
Payment for Burial and Cremation 55 Pa. Code Chapters 283, 285	December 2008 as final-form as proposed	The proposed rulemaking increases the maximum payment to funeral directors for burial or cremation services to a standard \$750 for all eligible individuals. This rulemaking also increases maximum level of contributions that may be made by another agency or individual towards burial expenses without reducing the Department payment. This amount is increased from \$180 to \$750. Additionally, this proposed rulemaking eliminates several restrictive requirements for burial, thus allowing families and funeral directors more flexibility and choice in planning and selecting burial goods and services.	Ruth O'Brien (717) 783-2800
Revisions to Special Allowances for Supportive Services 55 Pa. Code Chapter 165	March 2009 as proposed	The purpose of this proposed regulation is to ensure adequate and consistent availability and distribution of special allowances. These special allowances are for supportive services to recipients of cash assistance who are engaged or intend to engage in employment and training activities approved by the Department.	Ruth O'Brien (717) 783-2800
Deficit Reduction Act of 2005 (TANF Reauthorization) 55 Pa. Code Chapter 165	April 2009 as proposed	The purpose of this proposed regulation is to incorporate revised policies for work participation according to Federal statutes and regulations.	Ruth O'Brien (717) 783-2800

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Deficit Reduction Act of 2005 (Long Term Care Eligibility Requirements) 55 Pa. Code Chapter 178 55 Pa. Code Chapter 258	April 2009 as proposed	<p>This regulation incorporates changes to the eligibility requirements for payment of Long Term Care (LTC) services identified in the Deficit Reduction Act of 2005. Major changes include revisions to the determination of periods of ineligibility for payment of LTC services due to transfers of assets for less than fair market value (FMV), a new eligibility criterion regarding an individual's equity value in his/her home, revision to the spousal impoverishment procedures regarding resource eligibility of a married individual, and implementation of a formal undue hardship process for those individuals denied eligibility for payment of LTC services due to a transfer of assets for less than FMV or because of substantial home equity.</p> <p>This regulation will incorporate additions and changes to the estate recovery program regulation that was codified in February 2003. The changes reflect modification and additions identified since implementation. These include additional and clarified definitions; inclusion of language regarding the Long Term Care Partnership; modification of the Department's priority of claim based on a change to 20 Pa.C.S. § 3392 relating to classification and order of payment; and clarifications regarding undue hardship waivers, postponement of collection and computation of claim.</p>	Ruth O'Brien (717) 783-2800
Deficit Reduction Act of 2005 (Citizenship and Identity requirements for Medicaid) 55 Pa. Code Chapters 125, 141, 150 and 201	May 2009, as proposed	The purpose of this regulation is to incorporate revised policies relating to citizenship and identity mandated by the Federal Deficit Reduction Act of 2005 for individuals who are applying and being reviewed for continuing Medicaid.	Ruth O'Brien (717) 783-2800
Medical Assistance for Workers with Disabilities (MAWD) 55 Pa. Code Chapter 140	March 2009 as proposed	The purpose of this proposed rulemaking is to make categorically needy Medical Assistance available to individuals with disabilities who are at least 16 years of age or older but under 65 years of age, and who meet established income, resource and work related requirements. Title II of the Ticket to Work and Work Incentives Act of 1999 amended § 1902(a)(10)(A)(ii)(XV) and (XVI) of the Social Security Act and expanded the options for states to provide health care coverage to the individuals working with a disability.	Ruth O'Brien (717) 783-2800
Early and Periodic Screening Diagnosis Treatment (EPSDT) 55 Pa. Code Chapters 1101, 1121, 1123, 1147, 1241	September 2008, as proposed	This regulation relating to services provided as a follow-up to an EPSDT visit or encounter that are not currently recognized under the approved Medical Assistance State Plan. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Medical Assistance Case Management Services 55 Pa. Code Chapter 1239	September 2008, as proposed	This regulation codifies payment for medically necessary case management services as mandated by Omnibus Budget Reconciliation Act '89 to Medical Assistance recipients under the age of 21. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
OMNIBUS Pharmacy 55 Pa. Code Chapters 1121, 1126, 1129, 1141, 1163, 1221, 1225, 1243	November 2008, as final-omitted	This final regulation codifies Act 1994-49 provisions that discontinue payment for all drugs, devices, products, services and procedures that are used or related to treating infertility, including surrogacy services, effective September 1, 1994. This regulation also provides that the medical assistance program provides drug coverage to medically needy only recipients receiving nursing facility services. This includes medically needy only recipients who reside in nursing facilities and intermediate care facilities/mental retardation (ICF/MR). This regulation was reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Physician Assistant/Midwife 55 Pa. Code Chapter 1141	September 2008, as final-omitted	This final regulation codifies revised supervision requirements for physician assistants and midwives. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Discontinuance of the Mandatory Second Opinion Program 55 Pa. Code Chapter 1150	June 2009, as final-omitted	This final regulation removes the mandatory second opinion program requirement for certain surgical procedures. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Capital Component Payment for Replacement Beds 55 Pa. Code Chapter 1187	July 2009, as proposed	This regulation codifies the policy as set forth in the Statement of Policy published at 27 Pa.B. 6238 (November 29, 1997). This regulation will specify the conditions under which the Department will recognize nursing facility beds as replacement beds for purposes of making capital component payments for those beds. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
New Definition of "Emergency Medical Condition" 55 Pa. Code Chapters 1101, 1141, 1150, 1221	September 2008, as proposed	This regulation codifies the revised definition of "emergency medical condition" contained in the Balanced Budget Act of 1997, effective July 1, 1998. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Definition of Medically Necessary 55 Pa. Code Chapter 1101	September 2008, as proposed	This proposed regulation replaces the current definition of "medically necessary" with the definition found in the HealthChoices Request for Proposal. This regulation was reviewed on 9/21/01 by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Tobacco Cessation and Nutritional Supplements 55 Pa. Code Chapter 1121	June 2009, as final-omitted	This final regulation will provide coverage under the Medical Assistance Program for tobacco cessation products and counseling services and will extend coverage for nutritional supplements to eligible Medical Assistance recipients 21 years of age and older. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Dental Services 55 Pa. Code Chapter 1149	June 2009, as final-omitted	This final regulation will provide coverage for crown core build-up and will revise the Medical Assistance Orthodontia Program. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Civil Rights Requirements for Nursing Facilities 55 Pa. Code Chapter 1187	November 2008, as proposed	This regulation will require nursing facilities to request and maintain a file of civil rights compliance information on each applicant. Through review of the civil rights information, the Department may better ensure that the MA program is operated in conformity with applicable laws that prohibit discrimination on race, color, national origin and disability.	Ruth O'Brien (717) 783-2800

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Assisted Living Residence 55 Pa. Code Chapter 2800	July 2008 as proposed	This rulemaking will provide a system of licensure and regulation of assisted living residences to ensure accountability and a balance of availability between institutional and home- and community-based long term care. This will help Pennsylvanians to age in place, maintain their independence and exercise decision making and personal choice.	Ruth O'Brien (717) 783-2800
Changes to Nursing Facility Rate Setting System 55 Pa. Code Chapter 1187	November 2008, as final-omitted	This regulation will support the balancing of long term care by encouraging the continued trend of having nursing facilities serve higher acuity MA recipients, encouraging right sized facilities and decreased reliance on MA payments. Further objectives of this regulation will be to provide greater predictability in rate setting, reduce the number of appeals and incorporate performance standards/incentives to encourage cost effective and high quality care in the most appropriate setting.	Ruth O'Brien (717) 783-2800
Medical Assistance Copayment Changes 55 Pa. Code Chapter 1101	September 2008, as final-omitted	This regulation will codify new MA copayment exclusions mandated by the Federal Deficit Reduction Act (DRA) of 2005, and reduce the copayment for brand name drugs identified as preferred on the Department's Preferred Drug List (PDL) as authorized under the DRA. This regulation will be reviewed by the Medical Assistance Advisory Committee (MAAC).	Ruth O'Brien (717) 783-2800
Third Party Liability Programs 55 Pa. Code Chapter 259	February 2009, as proposed	Section 1902(a)(25) of the Social Security Act (42 U.S.C. § 1396a(a)(25)) requires the Department to develop and implement a TPL program to ensure that Medicaid is the payor of last resort. Section 1906 of the Social Security Act (42 U.S.C. § 1396(e)) authorizes the Department to have a special program to enroll certain MA recipients into group health insurance. Both the general TPL program and the special group health insurance program have been in operation in Pennsylvania for a number of years. During this period of operation, questions have arisen as to interpretation and procedures under the Federal and State's statutes. This proposed regulation is needed to supply guidance with respect to issues not directly addressed by the Federal and state statutes, to resolve ambiguities and to fill gaps in the State statutory language.	Ruth O'Brien (717) 783-2800
Licensure and Approval Appeal Procedures 55 Pa. Code Various Chapters	August 2008, as final-form	This regulation replaces the uncodified regulation at 7 Pa.B. 3266 with the General Rules of Administrative Practice and Procedure (1 Pa. Code Chs. 31—35) for all facilities and agencies certified by the Department.	Ruth O'Brien (717) 783-2800
Family-Based Mental Health Service Providers 55 Pa. Code Chapter 5260	February 2009, as proposed	This proposed regulation would establish requirements for the delivery of services, and payment of family-based mental health services for children and adolescents.	Ruth O'Brien (717) 783-2800
Residential Treatment Facilities (RTF) for Mental Health Services 55 Pa. Code Chapters 31, 1157, 1165	November 2008, as proposed	This regulation codifies coverage for mental health services to children under 21 years of age that are provided in a residential treatment facility. This regulation was reviewed by the Medical Assistance Advisory Committee (MAAC) on 3/28/02 and again to the MAAC as well as other interested stakeholders on 4/20/06. The comments and revised regulations are under review by the Department.	Ruth O'Brien (717) 783-2800



<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Outpatient Drug and Alcohol Clinic Services 55 Pa. Code Chapter 1223	November 2008, as proposed	This proposed regulation is needed to maintain consistency with the Department of Health licensing definitions and align these regulations with current Federal and State licensing requirements, as well as, current treatment trends.	Ruth O'Brien (717) 783-2800
Psychiatric Outpatient Clinics 55 Pa. Code Chapter 5200	September 2008, as proposed	These regulations would be promulgated, simultaneously with identical regulations from the Department of Health, to permit providers of drug and alcohol treatment services and mental health treatment services to obtain licenses from the Departments of Health and Public Welfare authorizing them to deliver integrated treatment on an outpatient basis to persons suffering from co-occurring psychiatric and substance use disorders. The proposed regulations would establish minimum requirements for licensure, including staffing, training, records, and other aspects required for appropriate treatment delivery. There are currently no regulations which provide for licensure of providers of integrated treatment for co-occurring disorders. Instead, facilities that wish to provide integrated treatment currently must meet all the requirements to obtain separate licenses for drug and alcohol and mental health treatment. The proposed regulations would simplify the survey and licensure process for providers. These regulations would be published pursuant to the Department's authority under Articles IX and X of the Public Welfare Code (62 P. S. §§ 901—922, 1001—1031 and 1051—1059).	Ruth O'Brien (717) 783-2800
Intermediate Care Facilities for the Mentally Retarded 55 Pa. Code Chapter 6650	November 2009, as proposed	This regulation applies to private and public residential facilities receiving moneys for intermediate care facilities for the mentally retarded (ICFs/MR) or intermediate care facilities for persons with other related conditions (ICFs/ORC). This regulation will include facility capacity, facility expansion, new ICF/MR development, restraints, incident management, conversion of existing ICF/MR to the Medicaid Consolidated Waiver program, medication administration, medication administration training, self-administration of medications and medication log.	Ruth O'Brien (717) 783-2800
Regulatory Revisions: Adult Training Facilities; Vocational Facilities; Community Homes for Individuals with Mental Retardation; Family Living Homes 55 Pa. Code Chapters 2380, 2390, 6400 and 6500	November 2010 as proposed	The regulatory revisions will establish consistent new business practices for providers to ensure they meet the necessary health and safety needs of the individuals they serve. The regulatory revisions will also increase consistency across services and providers per Federal requirements.	Ruth O'Brien (717) 783-2800
Individual Support Plans 55 Pa. Code Chapters 2380, 2390, 6400, 6500	May 2009, as final-form	This proposed rulemaking will amend the current Individual Program Plan/Individual Written Program Plan regulations to reflect current practices and requirements related to Individual Support Plans.	Ruth O'Brien (717) 783-2800

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>REVENUE</b>			
Support Offset and Other Personal Income Tax Provisions	November, 2008, as proposed	This regulatory change will amend certain regulatory provisions to provide for the intercept of income tax refunds from individuals who are delinquent in support payments and redirect the funds accordingly. Other amendments are proposed to update and/or clarify personal income tax provisions.	Douglas Berguson (717) 346-4633
Amendments to Chapter 117. Return and Payment of Tax	November, 2008, as proposed	The proposed regulation will amend § 117.9 and add § 117.9b to reflect the Department's policy regarding the form of Pennsylvania Personal Income Tax returns. In addition, the regulation will provide clear instructions for taxpayers regarding reporting requirements.	Douglas Berguson (717) 346-4633
Pennsylvania Subchapter S Corporations—Election Language 61 Pa. Code, Chapter 107a	December, 2008, as proposed	The Department is promulgating a new rulemaking as a result of Act 2006-67, which made significant changes to how S corporations are taxed under Pennsylvania Personal Income Tax.	Douglas Berguson (717) 346-4633
Corporate Net Income Tax 61 Pa. Code, §§ 151.14, 153.54, and 153.66—Amended Report	September, 2008, as proposed	The proposed regulation provides a procedure for the filing of amended corporate tax reports for tax reports governed by the assessment process enacted in Act 119 of 2006. Obsolete language will be replaced.	Douglas Berguson (717) 346-4633
Amendments to 61 Pa. Code, Chapters 73 and 74 Malt Beverage Tax	June, 2008, as proposed	The amendments to Chapters 73 and 74 codify legislative changes relating to the Malt Beverage Tax that were set forth in Act 46 of 2003.	Douglas Berguson (717) 346-4633
Pennsylvania Sales and Use Tax Amendments to 61 Pa. Code § 53.1 Clothing	September, 2008, as proposed	The proposed regulation will amend § 53.1 to conform with the statute, as well as amend definitions and clarify examples.	Douglas Berguson (717) 346-4633
<b>SECURITIES COMMISSION</b>			
No regulations being developed or considered at this time.			
<b>STATE</b>			
Bureau of Commissions, Elections and Legislation			
Alteration of Local Election Districts—4 Pa. Code Chapter 184 (16-36)	Fall 2008, as Proposed.	The regulation would address the statutory requirements relating to local redistricting in Article V of the Election Code (25 P. S. §§ 2701—2750). Statutory Authority: Section 2750 of the Election Code (25 P. S. § 2570) which authorizes the Secretary of the Commonwealth to promulgate regulations relating to Election District Alteration and Data Reporting.	Shauna Graves (717) 265-7632
—Lobbying Disclosure—51 Pa. Code (16-40)	Fall 2008, as Final.	This final rulemaking is required to implement the Lobbying Disclosure Act, Act 134 of 2006. Statutory Authority: Section 1310-A of the Lobbying Disclosure Act, Act 134 of 2006.	L. Lawrence Boyle (717) 783-1657

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>Bureau of Professional and Occupational Affairs—</p> <p>—Recording Devices— 49 Pa. Code, §§ 43b.10—43b.102 (number not yet assigned)</p>	Spring 2009, as Proposed.	The regulation would provide rules for the use of electronic (audio and visual) recording devices during meetings of the boards and commissions within the Department of State for which the Bureau of Professional and Occupational Affairs provides administrative support. Statutory Authority: Sections 710 and 711 of the Sunshine Act, act of October 15, 1998 (P. L. 179, No. 93) authorizes the adoption of rules and regulations governing the use of recording devices in public meetings.	Thomas A. Blackburn (717) 783-7200
<p>State Board of Accountancy</p> <p>—Continuing Education 49 Pa. Code §§ 11.61—11.69a (16A-5511)</p> <p>—Biennial Renewal Fees— 49 Pa. Code § 11.4 (16A-5512)</p>	<p>Spring 2009, as Proposed.</p> <p>Spring 2009, as Proposed.</p>	<p>The regulation would amend continuing professional education requirements for licensed certified public accountants and public accountants. Statutory Authority: Section 3 of the C.P.A. Law (63 P. S. § 9.3).</p> <p>This proposed rulemaking would increase the biennial renewal fees for certified public accountants, public accountants, public accounting firms and continuing education program sponsors. Statutory Authority: Section 6 of the C.P.A. Law (63 P. S. § 9.6).</p>	Sara Fox (717) 783-1404
<p>State Architects Licensure Board</p> <p>—Requirements for Examination Eligibility— 49 Pa. Code § 9.45(b) (16A-419)</p> <p>—General Revisions— 49 Pa. Code, Chapter 9 (number not yet assigned)</p>	<p>Fall 2008, as Final.</p> <p>Spring 2009, as Proposed.</p>	<p>This regulation would adopt a 5-year “rolling clock” requirement so that applicants would be required to pass all divisions of the Architect Registration Examination within a rolling 5-year period. Statutory Authority: Section 6(a) and (d) of the Architects Licensing Law (63 P. S. § 34.6(a) and (d)).</p> <p>This regulation would provide a general update of the regulations of the State Architects Licensure Board. Statutory Authority: Section 6(a) and (d) of the Architects Licensing Law (63 P. S. § 34.6(a) and (d)).</p>	Penny Walker (717) 783-3397

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Athletic Commission</p> <p>—Communicable Disease Testing— 58 Pa. Code § 21.8 (16-37)</p> <p>—Mixed Martial Arts— 58 Pa. Code, Chapter 29 (16-41)</p>	<p>Fall 2008, as Final.</p> <p>Spring 2009, as Final.</p>	<p>This regulation would alter the Commission's current regulations that authorize the testing of boxers for communicable diseases to require such testing no more than 6 months prior to the date of the application for licensure. Statutory Authority: Sections 103(b) and 501 of the State Athletic Code, 5 Pa.C.S. §§ 103(b) and 501, authorize the Commission to promulgate regulations implementing changes to the health and safety rules as recommended by the Medical Advisory Board.</p> <p>This rulemaking would add Chapter 29 (relating to professional and amateur mixed martial arts) to regulate the sport of mixed martial arts. Statutory Authority: Sections 103(b) and 302 of the State Athletic Code, 5 Pa.C.S. §§ 103(b) and 302, authorize the Commission to establish policy and promulgate rules and regulations regarding professional and amateur boxing contests and exhibitions and all matters pertaining thereto.</p>	<p>Greg Sirb (717) 787-5720</p>
<p>State Board of Barber Examiners</p> <p>—Student Records and Curriculum— 49 Pa. Code, Chapter 3 (16A-427)</p>	<p>Fall 2008, as Proposed.</p>	<p>This regulation would amend the current regulations to allow for part-time attendance at barber schools; to allow for transfer of hours between a barber shop and a barber school or between barber shops regardless of whether the shop or school is in-state or out-of-State; to require shop owners and schools to submit a quarterly report of student hours to the Board; to require a shop owner, or a shop owner's designee, to notify the Board of each student to be trained in the shop. Statutory Authority: Section 15-A.4(b) of the Barbers' License Law (63 P. S. § 566.4(b)).</p>	<p>Hillarene Staller (717) 783-3402</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Chiropractic			
—Chiropractic specialties 49 Pa. Code Chapter 5 (16A-4312)	Spring 2009, as Proposed.	The Chiropractic Practice Act prohibits licensees from holding themselves out as specialists unless they possess a post-graduate certification in that specialty. The regulation would identify the certifications acceptable to the Board. Statutory Authority: Section 302(3) of the Chiropractic Practice Act (63 P. S. § 625.302(3)).	Deborah Smith (717) 783-7155
—Patient records 49 Pa. Code § 5.51 (16A-4313)	Fall 2008, as Final.	The regulation would clarify the requirements for patient records. Statutory Authority: Section 302(3) of the Chiropractic Practice Act (63 P. S. § 625.302(3)).	
—Reactivation of Lapsed Licenses— 49 Pa. Code § 5.17 (16A-4314)	Fall 2008, as Final.	This regulation will update the Board's requirement that a licensee whose license has been inactive for more than 5 years demonstrate current competence in order to reactivate the licensee's license. Statutory Authority: Sections 302(3) and 501(b) of the Chiropractic Practice Act (63 P. S. §§ 625.302(3) and 625.501(b)).	
—Review of Chiropractic Treatment— 49 Pa. Code Chapter 5 (16A-4315)	Spring 2009, as Proposed.	This proposed rulemaking would establish standards for chiropractors who are engaged in chiropractic peer review. Statutory Authority: Section 302(3) of the Chiropractic Practice Act (63 P. S. § 625.302(3)).	
—Assistance of unlicensed Supportive Personnel— 49 Pa. Code Chapter 5 (16A-4316)	Spring 2009, as Proposed.	This proposed rulemaking would establish standards for the delegation of tasks to unlicensed supportive personnel. Statutory Authority: Sections 302(3) and 601 of the Chiropractic Practice Act (63 P. S. §§ 624.302(3) and 625.601).	
—Needle Acupuncture— 49 Pa. Code § 5.81 (16A-4317)	Fall 2008, as Proposed.	This rulemaking would permit chiropractors who are registered acupuncturists or practitioners of oriental medicine to practice or advertise needle acupuncture. Statutory Authority: Sections 302(3), 506(a)(4) and 506(a)(11) of the Chiropractic Practice Act.	
—Volunteer license— 49 Pa. Code § 5.20 (number not yet assigned)	Fall 2008, as Final (Proposed-omitted).	This regulation is required to conform the regulations to the amendments to the Volunteer Health Services Act under Act 58 of 2002. Statutory Authority: Section 302 of the Chiropractic Practice Act (63 P. S. § 625.302).	
Corporation Bureau —UCC Revised Article 9— (16-35)	Spring 2009, as Proposed.	This regulation would adopt (with some revisions) the Model rules promulgated by the International Association of Corporate Administrators, which call for the delivery of filings by electronic means and acceptance of credit card payments. Statutory Authority: Section 9526 of the Uniform Commercial Code Modernization Act of 2001, 13 Pa.C.S. § 9526.	Martha Brown (717) 787-6802

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Cosmetology			
—General Revisions— 49 Pa. Code Chapter 7 (16A-4514)	Fall 2008, as Final.	This regulation would implement the omnibus amendments to the Beauty Culture Law provided by Act 99 of 2006. Statutory authority: Section 16 of Act 99 requires the Board to promulgate regulations within 18 months of its effective date (September 5, 2006).	Hillarene Staller (717) 783-7130
—Schedule of Civil Penalties— 49 Pa. Code, Chapter 43b, § 43b.5. (number not yet assigned)	Spring 2009, as Proposed.	This regulation would amend the schedule of civil penalties for the State Board of Cosmetology to implement Act 48 civil penalties for failure of a school to submit quarterly reports. Statutory authority: Section 5(a) of Act 48 of 1993 (63 P. S. § 2205(a)).	
State Board of Dentistry			
—EFDA Program Approval— 49 Pa. Code, Chapter 33 (16A-4616)	Fall 2008, as Proposed.	This regulation is intended to establish criteria for Board approval of education programs for expanded function dental assistants. Statutory Authority: Section 3(a) of the Dental Law (63 P. S. § 122(a)).	Lisa Burns (717) 783-7162
—Dental Hygienists Scope of Practice/Local Anesthesia— 49 Pa. Code, Chapter 33 (16A-4617)	Fall 2008, as Proposed.	This regulation is intended to update and amend the scope of practice of dental hygienists to conform to modern dental practices; will establish the requirements under which a dental hygienist may be permitted to administer local anesthesia under the direct supervision of a dentist; and will implement the provisions of Act 51 of 2007 relating to public health dental hygiene practitioners. Statutory Authority: Section 3(d) of the Dental Law (63 P. S. § 122(d)).	
—Sexual Misconduct— 49 Pa. Code, Chapter 33 (16A-4618)	Fall 2008, as Final.	This regulation will define sexual misconduct as it pertains to dentists, dental hygienists and expanded function dental assistants. Statutory Authority: Sections 3(c), (d) (d.1) and (o) of the Dental Law (63 P. S. § 122(c), (d), (d.1) and (o)).	
—General Revisions— 49 Pa. Code, Chapter 33 (number not yet assigned)	Spring 2009 as Proposed.	This regulation will generally update the Board's regulations to reflect current procedures and practices. Statutory Authority: Section 3(o) of the Dental Law (63 P. S. § 122(o)).	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Registration Board for Professional Engineers, Land Surveyors and Geologists</p> <p>—General Revisions— 49 Pa. Code, Chapter 37 (number not yet assigned)</p>	Spring 2009, as Proposed.	The regulation would clarify education and experience requirements for regular and “grandfathered” candidates for examination and licensure; revise categories of acceptable professional references for candidates; update the branches of engineering for which license examinations are offered; prescribe standards relating to the use of an electronic seal and signature; clarify criteria for approval of fictitious and corporate names that use variations of professional titles; eliminate unnecessary administrative requirements; and make editorial changes. Statutory Authority: Section 4 of the Engineer, Land Surveyor and Geologist Registration Law (63 P. S. § 151).	Terrie Kocher (717) 783-7049
<p>State Board of Funeral Directors</p> <p>—Preneed Funeral Arrangements— 49 Pa. Code, Chapter 13 (16A-4815)</p> <p>—Preneed Activities of Unlicensed Employee— 49 Pa. Code, Chapter 13 (16A-4816)</p> <p>—Renewal Fee— 49 Pa. Code § 13.12 (16A-4817)</p>	<p>Spring 2009, as Final.</p> <p>Spring 2009, as Final.</p> <p>Fall 2008, as Final.</p>	<p>This regulation would clarify and add additional requirements for funeral directors who enter into preneed funeral arrangement agreements. Statutory Authority: Sections 13(c) and 16(a) of the Funeral Director Law (63 P. S. §§ 479.13(c) and 479.16(a)).</p> <p>The regulation would clarify what conduct by an unlicensed individual is permitted, as strongly urged by the court in <i>Walker v. Flitton</i>, 364 F.Supp.2d 503 (U.S.D.C. M.D. Pa. 2005). Statutory Authority: Sections 13(c) and 16(a) of the Funeral Director Law (63 P. S. §§ 479.13(c) and 479.16(a)).</p> <p>This regulation would increase the biennial renewal fee for licensed funeral directors. Statutory Authority: Section 18.1 of the Funeral Director Law (63 P. S. § 479.18.1).</p>	Heidi Weirich (717) 783-3397

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Medicine			
—Acupuncture— 49 Pa. Code § 18.15 (16A-4924)	Spring 2009, as Final.	This proposed rulemaking amends the Board's existing acupuncture regulations so they comport with Act 186 of 2006, which amends the Acupuncture Registration Act (63 P. S. §§ 1801—1806) by authorizing acupuncturists to treat patients for up to 60 calendar days without first obtaining a referral from a physician. Statutory Authority: Sections 3 and 3.1 of the Acupuncture Registration Act (63 P. S. §§ 1803 and 1803.1).	Tammy Radel (717) 783-1400
—General Revisions— 49 Pa. Code, Chapters 16, 17 and 18 (16A-4925)	Spring 2009, as Proposed.	This proposed rulemaking will implement Acts 29, 46 and 48 of 2007, and will generally update the regulations of the Board relating to physicians, physician assistants, certified registered nurse practitioners, respiratory care practitioners, and volunteer licensees. Statutory Authority: Acts 29, 46 and 49 of 2007 direct the Board to adopt, promulgate and enforce regulations to effectuate the amendments adopted in the respective Acts. In addition, Section 8 of the Medical Practice Act of 1985 (63 P. S. § 422.8), authorizes the Board to promulgate regulations that are reasonably necessary to carry out the purposes of the Act.	
—Nurse Midwife Prescriptive Authority— 49 Pa. Code, Chapter 18 (16A-4926)	Fall 2008, as Final.	This rulemaking is required to implement Act 50 of 2007 relating to prescriptive authority for nurse midwives. Statutory Authority: Sections 8 and 35(a) of the Medical Practice Act of 1985 (63 P. S. §§ 422.8 and 422.35(a)).	
—Clarification of Medicine and Surgery— 49 Pa. Code, Chapters 16 and 17 (16A-4927)	Spring 2009, as Proposed.	This rulemaking would amend basic definitions and establish minimum standards of practice relating to examinations preceding treatment and relating to certain medical procedures. Statutory Authority: Section 8 of the Medical Practice Act of 1985 (63 P. S. § 422.8).	
—Volunteer License— 49 Pa. Code § 16.18 (number not yet assigned)	Fall 2008, as Final (Proposed-omitted).	This regulation is required to amend the current regulations regarding volunteer licenses to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 8 of the Medical Practice Act of 1985 (63 P. S. § 422.8).	
—Schedule of Civil Penalties— 49 Pa. Code, Chapter 43b, § 43b.20. (number not yet assigned)	Spring 2009, as Proposed.	This regulation would amend the schedule of civil penalties for the State Board of Medicine to implement Act 48 civil penalties for practicing on a lapsed license and for continuing education violations. Statutory authority: Section 5(a) of Act 48 of 1993 (63 P. S. § 2205(a)).	Tammy Radel (717) 783-1400



<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Nursing</p> <p>—LPN/IV Therapy— 49 Pa. Code § 21.145 (16A-5122)</p> <p>—RN and LPN Program Examination Pass Rates— 49 Pa. Code, Chapter 21 (16A-5123)</p> <p>—CRNP General Revisions— 49 Pa. Code, Chapter 21, Subchapter C (16A-5124)</p>	<p>Fall 2008, as Proposed.</p> <p>Spring 2009 as Final.</p> <p>Fall 2008, as Proposed.</p>	<p>This regulation addresses the LPN's role in working with peripherally inserted central catheters (PICC lines). Statutory Authority: Section 17.6 of the Practical Nurse Law (63 P. S. § 667.6).</p> <p>This regulation will clarify the procedure for removing a nursing education program from the approved list and further establish standards for placing a nursing education program on provisional approval or removing the program from the approved list based on the failure rate for first-time examinees on the licensure examination. Statutory Authority: Section 2.1(k) of the Professional Nursing Law (63 P. S. § 212.1(k)), and section 17.6 of the Practical Nurse Law (63 P. S. § 667.6).</p> <p>This regulation is required to implement Act 206 of 2002, which gave exclusive jurisdiction over CRNPs to the State Board of Nursing and to revise the existing regulations to allow the effective use of CRNPs to the full extent of their education and training. Statutory Authority: Section 2.1(k) of the Professional Nursing Law (63 P. S. § 212.1(k)), and section 7(c) of Act 306 of 2002 (P. L. 1567, No. 206), December 9, 2002.</p>	<p>Ann Steffanic (717) 783-7142</p>
<p>State Board of Nursing (cont'd)</p> <p>—Clinical Nurse Specialists— 49 Pa. Code, Subchapter H, §§ 21.801—21.831 (16A-5133)</p> <p>—Volunteer License— 49 Pa. Code, Chapter 21, Subchapter F, §§ 21.601—21.607. (number not yet assigned)</p>	<p>Fall 2008, as Proposed.</p> <p>Fall 2008, as Final (Proposed-omitted).</p>	<p>This proposed regulation is required to implement Act 49 of 2007, which amended the professional Nursing Law to provide for the certification of clinical nurse specialists. Statutory Authority: Section 5 of Act 49 requires the Board to promulgate regulations within 18 months. Section 2.1(k) of the Professional Nursing Law (63 P. S. § 212.1(k)) authorizes the Board to establish rules and regulations for the practice of professional nursing and the administration of the Act.</p> <p>This regulation is required to amend the regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 2.1(k) of the Professional Nursing Law (63 P. S. § 212.1(k)).</p>	<p>Ann Steffanic (717) 783-7142</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Examiners of Nursing Home Administrators</p> <p>—Temporary Permits— 49 Pa. Code § 39.1, 39.4 and 39.17 (16A-629)</p> <p>—Sexual Misconduct— 49 Pa. Code §§ 39.1 and 39.9 (16A-6211)</p> <p>—Continuing Education— 49 Pa. Code § 39.61 (16A-6212)</p> <p>—Continued Competence— 49 Pa. Code, Chapter 39 (16A-6213)</p> <p>Schedule of Civil Penalties— 49 Pa. Code, Chapter 43b, § 43b.17 (number not yet assigned)</p>	<p>Spring 2009, as Final.</p> <p>Spring 2009, as Proposed.</p> <p>Fall 2008, as Proposed.</p> <p>Spring 2009, as Proposed</p> <p>Spring 2009, as Proposed.</p>	<p>The proposed rulemaking would clarify, update and expand on the temporary permit requirements under section 14 of the Nursing Home Administrators License Act, 63 P. S. § 1114. Statutory Authority: Section 4(c) and 14 of the Nursing Home Administrators License Act (63 P. S. §§ 1104 (c) and 1114).</p> <p>This regulation would add sexual abuse, sexual misconduct and sexual harassment as offenses for which a nursing home administrator's license may be disciplined. Statutory Authority: Sections 4(c) and 6(g) of the Nursing Home Administrators Licensure Act, (63 P. S. §§ 1104(c) and 1106(g)).</p> <p>This rulemaking would amend the Board's existing regulations relating to continuing education clock hours. Statutory Authority: Section 9(b) of the Nursing Home Administrators Licensure Act (63 P. S. § 1109(b)).</p> <p>This regulation would provide the requirements for demonstrating continued competence when reactivating a license that has been inactive for more than 5 years. Statutory Authority: Section 4(a)(4), (9) and (c) of the Nursing Home Administrators Licensure Act (63 P. S. § 1104(a)(4),(9) and (c)).</p> <p>This regulation would amend the schedule of civil penalties for the State Board of Examiners of Nursing Home Administrators to implement Act 48 civil penalties for continuing education violations. Statutory authority: Section 5(a) of Act 48 of 1993 (63 P. S. § 2205(a)).</p>	<p>Chris Stuckey (717) 783-7155</p>
<p>State Board of Occupational Therapy Education and Licensure</p> <p>—Continuing Competency— 49 Pa. Code §§ 42.50—42.58 (16A-677)</p>	<p>Fall 2008, as Proposed.</p>	<p>The proposed rulemaking will implement section 15(a) of the Occupational Therapy Practice Act, 63 P. S. § 1515(a), which authorizes the board to establish additional requirements for the license renewal designed to assure continued competency. Statutory Authority: Section 5(b) of the Occupational Therapy Practice Act (63 P. S. § 1505(b)).</p>	<p>Chris Stuckey (717) 783-1389</p>
<p>State Board of Optometry</p> <p>—Volunteer License— 49 Pa. Code § 23.26 (number not yet assigned)</p>	<p>Fall 2008, as Final (Proposed-omitted).</p>	<p>This regulation is required to amend the Board's regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 3(b)(14) of the Optometric Practice and Licensure Act (63 P. S. § 244.3(b)(14)).</p>	<p>Deborah Smith (717) 783-7155</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Osteopathic Medicine			
—Physician Assistant Prescriptive Authority— 49 Pa. Code, Chapter 25 (16A-5318)	Spring 2009, as Final.	This rulemaking (developed with the assistance, advice and consent of the Pharmacy Board) sets forth the requirements for physician assistants with regard to prescriptive authority under the direction of a licensed physician. Statutory Authority: Section 10(h) and (p) of the Osteopathic Medical Practice Act (63 P. S. § 271.10(h) and (p)).	Gina Bittner (717) 783-4858
—Miscellaneous Provisions— 49 Pa. Code, Chapter 25 (16A-5319)	Fall 2008, as Proposed.	This regulation implements Acts 29 and 46 of 2007 pertaining to supervision of physician assistants and continuing medical education for volunteer license holders. Statutory Authority: Section 10(h) of the Osteopathic Medical Practice Act (Act) (63 P. S. § 271.10(h)), authorizes the Board to establish rules and regulations relating to physician assistants; and section 16 of the Act (63 P. S. § 271.16), authorizes the Board to adopt regulations as are reasonably necessary to carry out the purposes of the Act.	
—Volunteer License— 49 Pa. Code, Chapter 25, Subchapter L, §§ 25.601—25.607. (number not yet assigned)	Fall 2008, as Final (Proposed-omitted).	This regulation is required to amend the Board's regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 16 of the Osteopathic Medicine Act (63 P. S. § 271.16).	
—Schedule of Civil Penalties— 49 Pa. Code, Chapter 43b. (number not yet assigned)	Spring 2009, as Proposed.	This regulation would establish a schedule of civil penalties for the State Board of Osteopathic Medicine to implement Act 48 civil penalties for failure to report complaints filed against an osteopathic physician in a medical professional liability action. Statutory authority: Section 5(a) of Act 48 of 1993 (63 P. S. § 2205(a)).	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Pharmacy			
—Supplies and Equipment— 49 Pa. Code, Chapter 27 (16A-5415)	Fall 2008, as Final.	The regulation would amend existing regulations pertaining to supplies and equipment to eliminate a specific list of supplies and allow pharmacies to keep on hand supplies specific to the pharmacy's area of practice. Statutory Authority: Sections 4(j) and 6(k)(1) and (9) of the Pharmacy Act (63 P. S. §§ 390-4(j), 390-6(k)(1) and (9)).	Melanie Zimmerman (717) 783-7156
—General Revisions— 49 Pa. Code, Chapter 27 (16A-5416)	Spring 2009, as Final.	The regulation would update the regulations of the Board to delete outdated portions and amend sections to recognize current pharmacy practice. Statutory Authority: Sections 4(j) and 6(k)(1) and (9) of the Pharmacy Act (63 P. S. §§ 390-4(j), 390-6(k)(1) and (9)).	
—Continuing Education— 49 Pa. Code § 27.32 (16A-5417)	Spring 2009, as Final.	This regulation would clarify the Board's continuing education requirements. Statutory Authority: Section 3.1 of the Pharmacy Act (63 P. S. § 390-3.1).	
—Sale of Hypodermic Needles and Syringes— 49 Pa. Code, Chapter 27 (16A-5418)	Spring 2009, as Final.	This regulation would amend existing regulations to eliminate the requirement for a prescription prior to dispensing needles and syringes by a pharmacist. Authority: Sections 4(j) and 6(k)(1) and (9) of the Pharmacy Act (63 P. S. §§ 390-4(j) and 390-6(k)(1) and (9)).	
—Pharmacist Breaks— 49 Pa. Code, Chapter 27 (16A-5420)	Spring 2009, as Final.	This regulation would permit a sole pharmacist on duty to take up to a 30-minute break while the pharmacy remains open. Statutory Authority: Sections 4(j) and 6(k)(1) and (9) of the Pharmacy Act (63 P. S. §§ 390-4(j), 390-6(k)(1) and (9)).	
—Fees— 49 Pa. Code § 27.91 (16A-5422)	Fall 2008, as Proposed.	This proposed rulemaking would amend the schedule of fees of the State Board of Pharmacy to increase fees. Statutory authority: Section 8.2(a) of the Pharmacy Act (63 P. S. § 390-8.2(a)).	
—Schedule of Civil Penalties— 49 Pa. Code, Chapter 43b, § 43b.7 (number not yet assigned) .	Spring 2009, as Proposed.	This regulation would amend the schedule of civil penalties for the State Board of Pharmacy to implement Act 48 civil penalties for continuing education violations. Statutory authority: Section 5(a) of Act 48 of 1993 (63 P. S. § 2205(a)).	
State Board of Physical Therapy			
—Schedule of Civil Penalties— 49 Pa. Code, Chapter 43b. (number not yet assigned	Spring 2009, as Proposed.	This regulation would establish a schedule of civil penalties for the State Board of Physical Therapy to implement Act 48 civil penalties for practicing on a lapsed license. Statutory authority: Section 5(a) of Act 48 of 1993 (63 P. S. § 2205(a)).	Michelle Roberts (717) 783-7134

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Podiatry</p> <p>—Certificate of Authority to Perform Acupuncture— 49 Pa. Code, Chapter 29 (16A-449)</p> <p>—Volunteer License— 49 Pa. Code § 29.55 (number not yet assigned)</p>	<p>Spring 2009, as Proposed.</p> <p>Fall 2008, as Final (Proposed-Omitted).</p>	<p>This regulation is required to establish the fees and regulate the practice of acupuncture by podiatrists under the Acupuncture Registration Act. Statutory Authority: Section 3 of the Acupuncture Registration Act (63 P. S. § 1803).</p> <p>This regulation is required to amend the Board's regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 15 of the Podiatry Practice Act (63 P. S. § 42.15).</p>	<p>Gina Bittner (717) 783-4858</p>
<p>State Board of Psychology</p> <p>—Qualifications— 49 Pa. Code, Chapter 41 (16A-6315)</p> <p>—Continuing Education— 49 Pa. Code § 41.59 (16A-6317)</p> <p>—Code of Conduct— 49 Pa. Code § 41.61 (16A-6318)</p> <p>—Schedule of Civil Penalties— 49 Pa. Code, Chapter 43b. (number not yet assigned)</p>	<p>Fall 2008, as Proposed.</p> <p>Fall 2008, as Proposed.</p> <p>Spring 2009, as Proposed.</p> <p>Spring 2009, as Proposed.</p>	<p>This regulation amends education, experience and examination requirements as well as creates new and amends existing supervisor requirements. Statutory Authority: Sections 3.2(1) and (2) of the Professional Psychologists Practice Act (63 P. S. §§ 1203.2(1) and (2)).</p> <p>This regulation would amend the Board's continuing education requirements regarding home study, instruction and carry over. Statutory Authority: Section 15 of the Professional Psychologists Practice Act (63 P. S. § 1215).</p> <p>This regulation would update the Board's Code of Conduct so that it would be in line with changes to the American Psychological Association and the Association of State and Provincial Psychology Boards. Statutory Authority: Section 3.2(2) of the Professional Psychologists Practice Act (63 P. S. § 1203.2(2)).</p> <p>This regulation would establish a schedule of civil penalties for the State Board of Psychology to implement Act 48 civil penalties for continuing education violations. Statutory authority: Section 5(a) of Act 48 of 1993 (63 P. S. § 2205(a)).</p>	<p>Chris Stuckey (717) 783-7155</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Real Estate Commission</p> <p>—Seller's Property Disclosure Statement— 49 Pa. Code § 33.335a (16A-5618)</p> <p>—Education— 49 Pa. Code § 35.384, 35.385. (16A-5613)</p> <p>—Consumer Notice— 49 Pa. Code § 35.336 (16A-5614)</p> <p>—Schedule of Civil Penalties— 49 Pa. Code, Chapter 43b, § 43b.8 (number not yet assigned)</p>	<p>Fall 2008, as Proposed.</p> <p>Fall 2008, as Proposed.</p> <p>Fall 2008, as Final.</p> <p>Spring 2009, as Proposed.</p>	<p>This regulation adopts a form "seller's property disclosure statement" as required by Act 114 of 2000. Statutory Authority: Section 7304(a) of the Residential Real Estate Transfers Law (63 P. S. § 7304(a)).</p> <p>This proposed regulation would require new licensees to complete a mandatory 14-hour post-licensure course in lieu of their continuing education. Statutory Authority: Sections 404 and 404.1 of the Real Estate Licensing and Registration Act (63 P. S. §§ 455.404 and 455.404a).</p> <p>This regulation would shorten and simplify the Consumer Notice mandated by section 608 of the Real Estate Licensing and Registration Act. Statutory Authority (63 P. S. § 455.608).</p> <p>This regulation would amend the schedule of civil penalties for the State Real Estate Commission to implement Act 48 civil penalties for continuing education violations. Statutory authority: Section 5(a) of Act 48 of 1993 (63 P. S. § 2205(a)).</p>	<p>Patricia Ridley (717) 783-3658</p>
<p>State Board of Social Workers, Marriage and Family Therapists and Professional Counselors</p> <p>—Standards of Professional Conduct— 49 Pa. Code, Chapters 47, 48 and 49 (16A-6911)</p> <p>—Biennial Renewal Fees— 49 Pa. Code § 47.4 (16A-6915)</p> <p>—Schedule of Civil Penalties— 49 Pa. Code, Chapter 43b. (number not yet assigned)</p>	<p>Fall 2008, as Proposed.</p> <p>Fall 2008, as Final.</p> <p>Spring 2009, as Proposed.</p>	<p>The regulation would establish a code of ethics and standards of professional conduct for social workers, clinical social workers, marriage and family therapists, and professional counselors licensed by the board. Statutory Authority: Section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (63 P. S. § 1906(2)).</p> <p>The regulation would increase the biennial renewal fees for licensed social workers, licensed clinical social workers, marriage and family therapists and professional counselors from \$45 to \$75. Statutory authority: Section 18(c) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (63 P. S. § 1918(c)).</p> <p>This regulation would establish a schedule of civil penalties for the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors to implement Act 48 civil penalties for practicing without a license or practicing on a lapsed license. Statutory authority: Section 5(a) of Act 48 of 1993 (63 P. S. § 2205(a)).</p>	<p>Sandra Matter (717) 783-1389</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Examiners in Speech-Language and Hearing</p> <p>—General Revisions— 49 Pa. Code, Chapter 45. (number not yet assigned)</p> <p>—Schedule of Civil Penalties— 49 Pa. Code, Chapter 43b. (number not yet assigned)</p>	<p>Spring 2009, as Proposed.</p> <p>Spring 2009, as Proposed.</p>	<p>This regulation is intended to be a general update of the regulations of the Board to delete or amend outdated regulations. Statutory Authority: Section 5(2) of the Speech-Language and Hearing Licensure Act (63 P. S. § 1705(2)).</p> <p>This regulation would amend the schedule of civil penalties for the State Board of Speech-Language and Hearing to implement Act 48 civil penalties for continuing education violations. Statutory authority: Section 5(a) of Act 48 of 1993 (63 P. S. § 2205(a)).</p>	<p>Sandra Matter (717) 783-1389</p>
<p>State Board of Vehicle Manufacturers, Dealers and Salespersons</p> <p>—Salesperson License— 49 Pa. Code, Chapter 19 (16A-609)</p>	<p>Spring 2009, as Proposed.</p>	<p>The Board of Vehicles Act requires every person who is engaged in the buying, selling or exchanging of vehicles for a commission, compensation or other consideration, to be a licensed salesperson on behalf of a dealer, unless that person is the dealer. This regulation would clarify that the reference to “dealer” in the phrase “unless that person is the dealer” refers only to a person holding a dealer license as a sole proprietor. Statutory Authority: Section 4(9) of the Board of Vehicles Act (63 P. S. § 818.4(9)).</p>	<p>Janice Cline (717) 783-1697</p>
<p>State Board of Veterinary Medicine</p> <p>—Veterinary Dentistry— 49 Pa. Code, Chapter 31 (16A-5718)</p> <p>—Facilities— 49 Pa. Code, Chapter 31 (16A-5720)</p> <p>—Professional Conduct— 49 Pa. Code, Chapter 31 (16A-5721)</p> <p>—Emergency Services— 49 Pa. Code, Chapter 31 (16A-5722)</p>	<p>Spring 2009, as Proposed.</p> <p>Spring 2009, as Proposed.</p> <p>Spring 2009, as Final.</p> <p>Spring 2009, as Proposed.</p>	<p>This regulation would address issues relating to veterinary dentistry. Statutory Authority: Section 5 of the Veterinary Medicine Practice Act (63 P. S. § 485.5).</p> <p>This regulation would establish standards for and require registration of veterinary facilities. Statutory Authority: Sections 5 and 27 of the Veterinary Medicine Practice Act (63 P. S. §§ 485.5 and 485.27).</p> <p>This regulation would clarify the types of conduct that constitutes unprofessional conduct which may lead to disciplinary action under section 21(1) of the Veterinary Medicine Practice Act. Statutory Authority: Sections 5 and 21 of the Veterinary Medicine Practice Act (63 P. S. §§ 485.5 and 485.21).</p> <p>This regulation would establish something. Statutory Authority: Section 5 of the Veterinary Medicine Practice Act (63 P. S. § 485.5).</p>	<p>Michelle Roberts (717) 783-7134</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>STATE EMPLOYEES' RETIREMENT SYSTEM</b>			
4 Pa. Code § 250.2. Time to appeal. (This proposed regulation will supercede that portion of 1 Pa. Code § 35.35 pertaining to the 10-day period of time to appeal from delegated actions of subordinate officers and substitute a 30-day period of time to file an appeal.)	SERS is ready to submit Regulation 31-6 for final approval by early June 2008.	Current hearing regulations are inconsistent with operational practice supporting member-friendly service.	Paul Stahlnecker, Esq. (717) 787-7317  Robert Gentzel (717) 787-9657  David Durbin (717) 783-7210
4 Pa. Code §§ 250.1 and 250.15. Applicability of general rules. (These current regulations will be modified to permit the application of proposed 4 Pa. Code § 250.2.)	SERS is ready to submit Regulation 31-6 for final approval by early June 2008.	Specific provisions in SERS' regulations should be exceptions to the general rules of administrative practice and procedure.	Paul Stahlnecker, Esq. (717) 787-7317  Robert Gentzel (717) 787-9657  David Durbin (717) 783-7210
4 Pa. Code § 247.11 Priority of taxation, attachments and assignments of funds. (This proposed regulation will clarify the priority of payments to be made from the members' accounts by SERS pursuant to 71 Pa. C.S. § 5953.)	SERS' Board authorized going forward and it is in process as Regulation 31-7. The statute does not set priorities among conflicting demands on members' accounts.	A recent court decision has offered partial guidance in this area. A regulation would enable consistent application of the statute and would reduce litigation of priority issues. This is also being considered as a statutory amendment.	Brian McDonough, Esq. (717) 787-7317  Robert Gentzel (717) 787-9657  David Durbin (717) 783-7210
4 Pa. Code § 247.7(a). Priority of death benefit payment. (This proposed regulation will clarify the priority of death benefit payments to be made by SERS pursuant to the second sentence of 71 Pa.C.S. § 5905(g).)	The Governor's Office of Policy and Planning approved Proposed Regulation 31-12 in a memorandum dated April 2, 2008.  The Office of Attorney General issued a tolling memorandum on April 29, 2008 raising three questions regarding provisions of the proposed regulation. SERS is preparing a response which will be sent to OAG through OGC on or before June 2, 2008.	The statute does not set priorities among conflicting demands on members' death benefits. A regulation would enable consistent application of the statute and would reduce litigation of priority issues.	Salvatore Darigo, Esq. (717) 787-7317  Robert Gentzel (717) 787-9657  David Durbin (717) 783-7210



<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
4 Pa. Code § 249.53. Exemption from execution; assignment of rights. (This proposed regulation amendment would delete State Employees' Credit Union payment language.)	SERS Board authorized going forward and it is in process as Regulation 31-13.	The language is obsolete. No credit union currently meets the statutory requirements and it is unlikely that any new ones will. A corresponding statutory amendment is also being considered.	Brian McDonough, Esq. (717) 787-7317  Robert Gentzel (717) 787-9657  David Durbin (717) 783-7210
4 Pa. Code § 247.6(a) Termination of Annuities. (This proposed regulation would delete the 30-day requirement to elect multiple service.)	SERS' Board authorized going forward and it is in process as Regulation 31-10.	The 30 day requirement in the regulation has been rendered obsolete by changes to SERS' enabling legislation.	Jill Vecchio, Esq. (717) 787-7317  Robert Gentzel (717) 787-9657  David Durbin (717) 783-7210
4 Pa. Code § 247.4(c) Disability Annuities. (This proposed regulation will clarify: 1) the methodology used to determine the employer-funded offset credit; 2) the service-connected disability supplement; and 3) the rights of terminated members to apply for a disability.)	2008	The statute does not expressly determine the methodology, the effects of these formulas and when terminated members can apply. Recent court and administrative decisions have offered partial guidance in this area. A regulation would enable consistent application of the statute and would reduce litigation of disability and supplement issues. This is also being considered as a statutory amendment.	M. Catherine Nolan, Esq. (717) 787-7317  Robert Gentzel (717) 787-9657  David Durbin (717) 783-7210
4 Pa. Code § 245.4. Member contributions for the purchase of credit for previous State service or to become a full coverage member. (The regulation would be amended to specify the effects of a service purchase or reinstatement.)	2008	This regulation would be amended to clarify the effects of the reinstatement or purchase of previous State service. A recent administrative decision has offered partial guidance in this area. A regulation would enable consistent application of the statute and would reduce litigation of purchase of service issues. This is also being considered as a statutory amendment.	Brian McDonough, Esq. (717) 787-7317  Robert Gentzel (717) 787-9657  David Durbin (717) 783-7210
4 Pa. Code §§ 241.1; 247.7. Definitions. (The definition of "Beneficiary" would be amended to specify that the beneficiaries must be named rather than merely described.) Gender neutral terms would be substituted and an operational provision that is found elsewhere would be removed from this definitional section.	SERS' Board authorized going forward and they are in process as Regulations 31-8 and 31-11.	The amendment would clarify and settle whether a proper name ("John Doe") or a general description ("my children," "my issue," "per stirpes") suffices. A lack of named beneficiaries can cause significant legal and administrative ambiguities that this amendment would avoid. This is also being considered as a statutory amendment.	Jill Vecchio, Esq. (717) 787-7317  Robert Gentzel (717) 787-9657  David Durbin (717) 783-7210

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
4 Pa. Code § 241.2. Electronic submission of member documents and electronic benefit transactions.	SERS' Board authorized going forward and it is in process as Regulation 31-9.	This new regulation would provide for adoption of a policy by SERS to specify procedures for electronic member transactions consistent with Commonwealth practice and policy and include a hold harmless provision.	Jill Vecchio, Esq. (717) 787-7317  Robert Gentzel (717) 787-9657  David Durbin (717) 783-7210
4 Pa. Code § 243.8. Membership rules for educational employees.	2008	This new regulation would clarify the requirements for membership and final average salary calculations for educational employees.	Brian McDonough, Esq. (717) 787-7317  Robert Gentzel (717) 787-9657  David Durbin (717) 783-7210
<b>STATE POLICE</b>			
DNA Detection of Sexual and Violent Offenders. 37 Pa. Code Chapter 58	January 2009, as proposed	Act 185 of 2004 repealed Chapter 47 of Title 42 of the <i>Pennsylvania Consolidated Statutes</i> and amended Title 44 to add Chapter 23, DNA Data and Testing. The act requires the State Police to promulgate rules and regulations to carry out its provisions.	Syndi L. Guido Policy Director (717) 772-0905
Administration of Megan's Law—Neighbor Notification 37 Pa. Code Chapter 55	January 2009, as proposed	Act 18 of 2000, known as Megan's Law, provides for the registration of sexual offenders and community notification for sexually violent predators. The act requires the Department to promulgate guidelines for the general administration of the act in consultation with the Department of Corrections, the Office of Attorney General, the Pennsylvania Board of Probation and Parole, and the chairmen and minority chairmen of the Senate and House Judiciary Committees. The act also requires the Department to write regulations regarding neighbor notification of sexually violent predators' residence, school, or employer. See 42 Pa.C.S. § 9799.1 Although the requisite guidelines and regulations have been promulgated, the Department is in the process of updating them in light of subsequent and anticipated amendments Megan's Law.	Syndi L. Guido Policy Director (717) 772-0905
<b>STATE SYSTEM OF HIGHER EDUCATION</b>			
No regulations being developed or considered at this date.			
<b>TRANSPORTATION</b>			
43—Temporary Registration Cards and Plates  67 Pa. Code, Chapter 43	December 2008	Act 152 of 2002 enacted legislation (requiring contracts for all messenger and agent services) that supercedes several facets of this regulation. Based on the legislation, any reference to bond, hearings, written warnings, suspensions, revocations or fines will be removed from the regulation, as these items are now addressed in the required contracts.	Andy Cleaver (717) 787-2171
175—Vehicle Equipment and Inspection  67 Pa. Code, Chapter 175	September 2008	Many changes to the regulation are needed to bring the regulation into alignment with Vehicle Code changes. Other changes are needed to portions of the regulation to implement desired initiatives. One such initiative is to eliminate refunds to inspection stations for unused registration stickers, resulting in a savings to the Commonwealth.	John Munafo (717) 787-2171

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
21—Odometer Read Disclosure Statements  67 Pa. Code, Chapter 21	December 2008	Changes are needed to bring the regulation current with the Vehicle Code, to specify the age at which a vehicle becomes exempt from odometer disclosure.	Andy Cleaver (717) 787-2171
23—Delivery of Certificates of Title  67 Pa. Code, Chapter 23	December 2008	The method of title delivery has changed due to the electronic lien and title program (75 Pa.C.S. § 1151). This Chapter needs to be updated to reflect the ability to transmit titles with liens electronically, rather than by mail.	Andy Cleaver (717) 787-2171
17—Authorization to Verify ID Numbers  67 Pa. Code, Chapter 17	December 2008	Changes are needed to document the Vehicle Identification Number (VIN) verification process. The VIN verification process is not currently documented in either the Vehicle Code or in regulations.	Andy Cleaver (717) 787-2171
71—School Bus Drivers 67 Pa. Code, Chapter 71	July 2008	The regulations are being updated to clarify the requirements for diabetic drivers by in part making terminology consistent with the American Diabetic Association. (Status as of 04/08 proposed regulations are at the Governor's Office).	Scott Shenk (717) 783-5958
83—Physical & Mental Criteria-Including Vision Standards Relating to the Licensing of Drivers  67 Pa. Code, Chapter 83	July 2008	The regulation is being updated to clarify the requirements for diabetic drivers by in part making terminology consistent with the American Diabetic Association. This change will also incorporate the change required by HB1912, Act 756, passed July 15, 2004, that allows chiropractors to conduct exams for learner's permits. (Status as of 04/08 proposed regulations are at the Governor's Office)	Scott Shenk (717) 783-5958
255—Messenger Services  67 Pa. Code, Chapter 255	December 2008	Act 152 of 2002 enacted legislation (requiring contracts for all messenger and agent services) that supercedes several facets of this regulation. Based on the legislation, any reference to bond, hearings, written warnings, suspensions, revocations, or fines will be removed from the regulation as these items are now addressed in the required contracts.	Andy Cleaver (717) 787-2171
171—School Buses and School Vehicles.  67 Pa. Code, Chapter 171	August 2008	Regulations are being updated to incorporate current technology. Regulations have been reviewed with industry and are ready to begin the promulgation process.	Scott Shenk (717) 783-5958
471—Airport Rating & Licensing; 473—Aviation Development Grants; 477—Local Real Estate Tax Reimbursement Grants; 479—Obstructions to Aircraft  67 Pa. Code, Chapters 471, 473, 477 and 479	December 2008	The various chapters of the regulation need to be updated as described below. The purpose of the amendments to Chapter 471 is to provide clarification of requirements and provide greater flexibility in the licensing of various categories and types of landing facilities. The amendments provide the flexibility to accommodate various levels of airport operations and advances in technology that were not envisioned or available at the time the regulation was originally adopted. The purpose of the amendments to Chapter 473 is to allow for increased flexibility for the Department in providing a higher state share for granted projects and allow for a more efficient use of the Aviation Development grant funds available. The purpose of the amendments to Chapters 477 and 479 is to simplify and better organize these Chapters in relation to the Chapters 471 and 473. There were no substantive changes to these chapters.	Brian Gearhart (717) 705-1250

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Establishment of a Grant Program for Automated Red Light Enforcement Dollars.  67 Pa. Code, Chapter (To Be Determined)	December 2008 as proposed rulemaking	Section 3116 of the Pennsylvania Vehicle Code provides the legal authority for the establishment of a pilot automated red light enforcement (ARLE) program within the City of Philadelphia. Section 3116(l)(2) says that the revenues remaining from ARLE fines, after deducting the system administrator's operation and maintenance costs, shall be deposited into the Motor License Fund and shall be used by the Department to develop, by regulation, a Transportation Enhancements Grant Program. Therefore, a completely new regulation is needed to establish the provisions of this new Transportation Enhancements Grant Program.	William Laubach (717) 787-9787
Chapter 427—Public Transportation (Act 44 of 2008)	December 2008	Act 44 of 2008, Chapter 15, Sustainable Mobility Options, authorizes almost all public transportation funding programs for the Commonwealth. The legislation requires the Department to develop regulations for several sections of the legislation. Act 44 offered the Department a two-year window to promulgate temporary regulations. The temporary regulations should be drafted by December 2008.	LaVerne Collins (717) 787-1214

[Pa.B. Doc. No. 08-1168. Filed for public inspection June 20, 2008, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Action Taken by the Commission

The Independent Regulatory Review Commission (Commission) met publicly at 10:30 a.m., Thursday, June 5, 2008, and announced the following:

*Regulations Deemed Approved Under Section 5(g) of the Regulatory Review Act—Effective June 4, 2008*

State Board of Funeral Directors #16A-4813: Forms Review (amends 49 Pa. Code §§ 13.204 and 13.224)

State Board of Nursing #16A-5128: Continuing Education Fee for Certified Registered Nurse Practitioners (amends 49 Pa. Code § 21.253)

State Board of Physical Therapy #16A-6511: Biennial Renewal Fees (amends 49 Pa. Code § 40.5)

Bureau of Professional and Occupational Affairs #16-38: Schedule of Civil Penalties—Nurses (replaces 49 Pa. Code § 43b.18 (statement of policy) with 49 Pa. Code § 43b.18a (regulation))

*Regulations Approved:*

Public School Employees' Retirement Board #43-10: Formalization and Clarification of Current Practices (amends 22 Pa. Code Chapters 201, 211, 213 and 215)

State Board of Examiners of Nursing Home Administrators #16A-627: Administration-In-Training Program (amends 49 Pa. Code Chapter 39)

State Board of Nursing #16A-5131: Faculty Requirements for Nursing Education Programs (amends 49 Pa. Code Chapter 21)

State Board of Nursing #16A-5130: Continuing Education for Professional Nurses (amends 49 Pa. Code Chapter 21)

State Board of Education #6-306: Special Education Services and Programs (amends 22 Pa. Code Chapter 14)

### Approval Order

Public Meeting held  
June 5, 2008

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; Nancy Sabol Frantz, Esq., by Phone; Karen A. Miller; John F. Mizner, Esq.

*Public School Employees' Retirement Board—  
Formalization and Clarification of Current Practices;  
Regulation No. 43-10 (#2621)*

On July 6, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Public School Employees' Retirement Board (Board). This rulemaking amends 22 Pa. Code Chapters 201, 211, 213 and 215. The proposed regulation was published in the July 21, 2007, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on April 9, 2008.

This regulation updates and clarifies provisions relating to the process and procedure for nonadjudicatory benefit appeals, adjudicatory benefit appeals and requests for administrative hearings. Additionally, it clarifies when the "undue hardship" test is met for waiver of adjustments under section 8534(b) of the Retirement Code (relating to fraud and adjustment of errors). It also updates provisions pertaining to loss of benefits for annuitants returning to service in the event of an emer-

gency or shortage, so that those provisions are now consistent with the Retirement Code.

We have determined this regulation is consistent with the statutory authority of the Board (24 Pa.C.S. § 8502(h)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

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#### Approval Order

Public Meeting held  
June 5, 2008

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; Nancy Sabol Frantz, Esq., by Phone; Karen A. Miller; John F. Mizner, Esq.

*State Board of Examiners of Nursing Home Administrators—Administrator-In-Training Program; Regulation No. 16A-627 (#2600)*

On March 28, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Examiners of Nursing Home Administrators (Board). This rulemaking amends 49 Pa. Code Chapter 39. The proposed regulation was published in the April 7, 2007, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on April 28, 2008.

This final-form regulation establishes an administrator-in-training program for candidates who wish to sit for the nursing home administrator examination, but do not have the experience currently required to qualify.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 1104(a)(1) and (c)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

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#### Approval Order

Public Meeting held  
June 5, 2008

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; Nancy Sabol Frantz, Esq., by Phone; Karen A. Miller; John F. Mizner, Esq.

*State Board of Nursing—Faculty Requirements for Nursing Education Programs; Regulation No. 16A-5131 (#2631)*

On August 15, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Nursing (Board). This rulemaking amends 49 Pa. Code Chapter 21. The proposed regulation was published in the August 25, 2007, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 1, 2008.

This regulation amends existing regulations to enhance flexibility in staffing at education programs for registered nurses in an effort to expand educational opportunities and enrollment.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. §§ 212.1(k) and 216.1) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

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#### Approval Order

Public Meeting held  
June 5, 2008

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; Nancy Sabol Frantz, Esq., by Phone; Karen A. Miller; John F. Mizner, Esq.

*State Board of Nursing—Continuing Education for Professional Nurses; Regulation No. 16A-5130 (#2608)*

On April 18, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Nursing (Board). This rulemaking amends 49 Pa. Code Chapter 21. The proposed regulation was published in the April 28, 2007, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 1, 2008.

This regulation implements standards and requirements for 30 hours of continuing education in every two years for registered nurses as established by Act 58 of 2006.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. §§ 222 and 216.1) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

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#### Approval Order

Public Meeting held  
June 5, 2008

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; Nancy Sabol Frantz, Esq., by Phone; Karen A. Miller; John F. Mizner, Esq.

*State Board of Education—Special Education Services and Programs; Regulation No. 6-306 (#2618)*

On June 19, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Education (Board). This rulemaking amends 22 Pa. Code Chapter 14. The proposed regulation was published in the June 30, 2007, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 5, 2008. On May 15, 2008, the Commission requested that the Board toll consideration

of this final-form regulation to properly align two definitions with statutory provisions. On May 15, 2008, the Board simultaneously tolled and submitted its revisions to the final-form regulation to the Commission.

This regulation establishes requirements for identification, screening and evaluation of students with disabilities.

We have determined this regulation is consistent with the statutory authority of the Board (24 P. S. §§ 13-1372 (1) and 26-2603-B) and the intention of the General

Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 08-1169. Filed for public inspection June 20, 2008, 9:00 a.m.]

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (act) (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the act (71 P. S. § 645.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
57-260	Pennsylvania Public Utility Commission Abbreviated Procedures for Review of Transfer of Control and Affiliate Filings for Telecommunications Carriers 38 Pa.B. 758 (February 9, 2008)	5/9/08	6/9/08

#### **Pennsylvania Public Utility Commission Regulation #57-260 (IRRC #2673)**

#### **Abbreviated Procedure for Review of Transfer of Control and Affiliate Filings for Telecommunications Carriers**

**June 9, 2008**

We submit for your consideration the following comments on the proposed rulemaking published in the February 9, 2008, *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Pennsylvania Public Utility Commission (Commission) to respond to all comments received from us or any other source.

#### **1. Proposed Procedures.—Consistency with statute; Reasonableness; Need; Feasibility; Economic impact.**

##### *Consistency with statute*

In its preamble the Commission cites Sections 1102 and 1103(a) of the Public Utility Code (66 Pa.C.S.A. §§ 1102 and 1103(a)) as the statutory authority for this regulation. Section 1103(a) states, in part:

... A certificate of public convenience shall be **granted by order of the commission**, only if the commission shall find or determine that the granting of such certificate is necessary or proper for the service, accommodation, convenience or safety of the public . . . (Emphasis added.)

Under the statute, when the Commission grants a certificate of public convenience, it is required to do it "by order." Section 63.324(k)(1) of the proposed regulation states:

The Commission will issue a **Secretarial letter** or order approving a general rule transaction and issue a certificate of public convenience authorizing the transaction under 66 Pa.C.S. §§ 1102(a) and 1103. (Emphasis added.)

Section 63.325(k)(1) is similar and also allows certificates of public convenience to be granted by secretarial letter. We find both Sections 63.324(k)(1) and 63.325(k)(1) to be inconsistent with the statute, which requires an order to grant a certificate of public convenience. We recommend that the Commission amend these provisions to require an order. Alternatively, the Commission should explain how granting certificates of public convenience by secretarial letter is consistent with the Public Utility Code.

##### *Need for the regulation*

The Commission has described the compelling public interest that justifies the regulation as follows: "The proposed regulation addresses the real need for a more predictable and timely review and approval period for Commission disposition of mergers and stock transactions under the Public Utility Code." The material submitted with the proposal does not provide any documentation that supports the statement above. In its comments, the Office of Consumer Advocate provides documentation to support its claim that the proposed rulemaking is not needed. We ask the Commission to provide more detailed information to support the need for the rulemaking and explain how the proposed procedure is an improvement over the existing procedure. The number of transactions reviewed each year, the average length of time it takes to review each transaction and the number of transactions that would have been classified as either pro forma or general rule transactions would help us determine if there is a need for the rulemaking.

*Complexity of procedures*

The regulation is complex in that it addresses multiple avenues of review for transfer of control and affiliate filings. The regulation includes provisions for:

- Classification of filings into general and pro forma transactions;
- Reclassification of a general rule transaction;
- Review of a general rule transaction reclassified as a pro forma transaction;
- Review of a general rule transaction reclassified as other than a pro forma transaction;
- Right of appeal for reclassification of a transaction;
- Reclassification of a pro forma transaction;
- Review of a pro forma transaction reclassified as a general rule transaction;
- Review of a pro forma transaction reclassified as other than a general rule transaction; and
- Right of appeal for reclassification of a pro forma transaction.

These classifications and reclassifications carry with them different requirements for review, review periods and notification. Given this complexity, important details such as notices and time for review are difficult to determine when actions such as reclassifications and appeals occur. As an example, what notice is required if a reclassification is appealed? How does this impact the 30 and 60-day timeframes?

Commentators provided a wealth of input, including complaints about the complexity of the regulation and suggested changes to the regulation. We agree with commentators and question whether the complexity of these classifications, reclassifications, appeals and differing procedures could compromise the Commission's objective of "streamlining the review and approval process for mergers and stock transactions under sections 1102 and 1103(a) of the Public Utility Code." Commentators also believe some filing requirements should be added and some deleted.

One commentator offered to participate in a stakeholder group to work on simplifying the regulation. We recommend that the Commission consider convening a stakeholder group to take advantage of the experience, expertise and input of the commentators, which include Incumbent Local Exchange Carriers (ILECs), Competitive Local Exchange Carriers (CLECs) and statutory advocates, to develop a simplified final-form regulation that adequately protects the public interest.

*Chapter 30*

Several commentators cited 66 Pa.C.S.A. Chapter 30 (Chapter 30), titled "Alternative Form of Regulation of Telecommunications Services." ILECs and statutory advocates presented several arguments that the regulation is not consistent with Chapter 30. ILECs argue that the regulation does not properly take into account provisions such as 66 Pa.C.S.A. § 3019(b)(1), which states that affiliated interest and transaction agreements filings are not needed for services declared competitive. A statutory advocate commented that this same statutory provision is not properly reflected in the regulation because the statute requires the Commission to do more detailed reviews. We ask the Commission to explain how the final-form regulation is consistent with Chapter 30.

*Standard for review*

Recent caselaw has reiterated that substantial evidence must support the Commission's finding "that a merger will affirmatively promote the service, accommodation, convenience, or safety of the public in some substantial way." *Popowsky v. PUC*, 594 Pa. 583, 937 A.2d 1040 (2007); *City of York v. PUC*, 49 Pa. 136, 295 A.2d 825 (1972). A commentator is concerned that the streamlined review process disregards the evidentiary standard demanded by *City of York* and its progeny. The Commission should explain how the *City of York* standard is met by the regulation.

*Review periods*

A general rule transaction is reviewed for 60 days and a pro forma transaction is reviewed for 30 days. Are these time periods sufficient for interested parties to review the filings? We are concerned that if these periods are too short, formal protests will be filed under Sections 63.324(j)(1) and 63.325(j)(1) simply to allow more time for review. The Commission should explain how the 30 and 60-day review periods are sufficient for parties to review the filings.

*ILEC vs. CLEC Responsibilities*

Although the regulation treats filings from an ILEC the same as those from a CLEC, their responsibilities are not the same. ILECs are subject to requirements such as network modernization under 66 Pa.C.S. Chapter 30 and provider of last resort obligations. The impact of a transaction on these ILEC obligations is not directly included in the content of notification provisions in Subsections (d) of Sections 63.324 and 63.325. We recommend that the Commission include consideration of the effect of a transaction on an ILEC's responsibilities, such as network modernization and provider of last resort obligations.

**2. Section 63.322. Definitions.—Consistency with statute; Clarity.**

The definitions of "controlling interest" and "diminution of control" both make reference to 10 percent. According to the Preamble, both definitions are based on an existing Statement of Policy pertaining to utility stock transfers found at 52 Pa. Code § 69.901. That policy statement references 20 percent. Why is the Commission using 10 percent in the proposed regulation?

The term "information service" is used in several of the definitions in this section. A commentator believes it is inappropriate to include this term in the definitions because that term is not used in the corresponding definitions of the Public Utility Code. Why has the Commission included this term in the definitions?

The term "pro forma transaction" is defined in this section. We recommend that the term "general rule transaction" also be defined in this section.

**3. Section 63.323. Applicability.—Consistency with statute.**

To be consistent with § 1102(a)(3) of the Public Utility Code, the regulation should be amended to include a reference to a telecommunications public utility's "affiliated interest."

**4. Section 63.324. Commission approval of a general rule transaction subject to 66 Pa.C.S. §§ 1102(a)(3) and 1103.—Implementation procedures; Clarity.**

*Subsection (a) General rule transactions.*

The terms “assets” and “customer base” are used in this section, but are not defined. To improve clarity, we suggest that both terms be defined. We have the same concern with § 63.325 (a).

*Subsection (b) Reclassification of a general rule transaction.*

Under this subsection, the Commission can reclassify a general rule transaction as either a pro forma transaction or a transaction other than a pro forma transaction. Any reclassification requires the Commission to notify the telecommunications public utility that the transaction will be reclassified. We recommend that the Commission also notify the statutory advocates of any reclassifications that take place under this subsection. We offer the same recommendation on § 63.325 (b).

*Subsection (f) Commission publication of general rule transactions.*

Subsection (f)(2)(ii) states that if a formal protest is filed, a general rule transaction “may” be reclassified, “unless the Commission determines otherwise for good cause shown.” This provision is vague and does not identify how the Commission will determine if a general rule transaction should be reclassified. We recommend that the final-form regulation provide specific criteria that the Commission will use in determining when a general rule transaction will be reclassified. The same recommendation applies to the reclassification of pro forma transactions under Section 36.325(f)(2)(ii).

*Subsection (g) Telecommunications public utility notice to customers.*

Subsection (g)(1) requires a telecommunications public utility to provide notice to customers of a general rule transaction involving a change in conditions of services or rates with the approval of the Commission’s Bureau of Consumer Service (Bureau). Subsection (g)(2)(i) requires additional notice when the transaction involves the transfer of a customer base. This additional notice also requires approval of the Bureau. We have four questions. First, how will these provisions work with the requirement for a telecommunications public utility to provide a verified statement affirming that customers received notice of the transaction found at § 63.324(c)(13)? Second, would a telecommunications public utility have to secure the approval of the Bureau before it provided notice of the transaction to the Commission? Third, what procedures are involved with securing approval of the Bureau for the notices? Finally, how will disagreements between the utility and the Bureau be resolved?

Subsection (g)(2)(iv) pertains to a formal protest to a general rule transaction filed by a statutory advocate. Subsection 63.324(f)(2)(iii) also pertains to formal protests filed by a statutory advocate and concludes with the phrase “. . . unless the Commission determines otherwise for good cause shown.” Why doesn’t Subsection (g)(2)(iv) include similar language? We have a similar concern with § 63.325(g)(2)(iii).

*Subsection (j) Reclassification of a transaction from the general rule.*

Subsection (j)(1) states:

The filing of a formal protest by a statutory advocate or the filing of a formal protest warranting reclassification for good cause shown, including competitive impact.

By the wording of this provision, it is not clear whether a reclassification occurs automatically upon a formal protest by a statutory advocate or whether the statutory advocate must demonstrate good cause. As a matter of equity, we see no reason why the burden for a protest would differ between the public and a statutory advocate. It would appear that both would need to demonstrate good cause for reclassification. The Commission should review and explain this provision. We have the same concern with § 63.325(j)(1).

**5. Subsection 63.325. Commission approval of a pro forma transaction subject to 66 Pa.C.S. §§ 1102(a)(3) and 1103.—Protection of the public health, safety and welfare; Implementation procedures; Clarity.**

*Subsection (d) Content of notification for pro forma transactions.*

Subsection (d)(13) requires a telecommunications public utility to provide a statement affirming that customers received or will receive notice. Under the section pertaining to general rule transactions, § 63.324(d)(13) requires a statement affirming that customers received notice. We recommend that the phrase “or will receive” be deleted from this subsection. This will provide customers of the telecommunications public utility notice of the transaction before it is completed.

*Subsection (f) Commission publication of pro forma transactions.*

As a general comment on this subsection, we believe the public interest would be best protected if the publication requirements for pro forma transactions mirrored the publication requirements of general rule transactions. Other concerns on this subsection are addressed below.

Subsection (f)(1) states the following:

The Secretary may publish notice of the pro forma transaction in the *Pennsylvania Bulletin*. The Secretary may post notice of the pro forma transaction on the Commission’s web site, unless the Commission determines otherwise for good cause shown.

We have three concerns. First, the use of the word “may” makes this provision optional. However, the factors that would lead to publication or posting of the notice are not included in the rulemaking. In order to provide proper notice to all consumers, we recommend that word “may” be changed to “will.”

Making the change suggested above would alleviate our second concern, which pertains to how the Commission and the regulated community will know when the 30-day time period for review of a pro forma transaction will expire. As indicated in Subsection (k), pertaining to Commission approval for a pro forma transaction, the 30-day period ends after the filing of a pro forma transaction with the Commission or posting on the Commission’s web site, whichever is longer. How would the regulated community, including the statutory advocates, know when the Commission received an initial filing or when it was posted to the Commission’s web site? If the Commission decides to retain the language noted in the



concern above, it must establish a clearer standard for determining the expiration of the 30-day period.

Third, we believe posting notice on the Commission's web site will provide greater notice to the regulated community and encourage the Commission to consider the same approach for general rule transactions.

Under Subsections (f)(2) and (f)(3), a notice posted on the Commission's web site may or may not contain a general comment period and there will be no formal protest period. We do not believe it is in the public interest to exclude interested parties from commenting or filing formal protests of pro forma transactions and recommend that these provisions be deleted.

To be consistent with § 63.324(f)(2) we recommend that the phrase "general comment period" found under Subsection (f)(4) be changed to "15-day general comment period."

We raise two points of clarity pertaining to Subsection (f)(4)(iii). First, the first reference to "general rule transaction" should be changed to "pro forma transaction." A similar concern exists with § 63.325(i). Second, we question why this subsection does not include the following concluding statement that is found under § 63.324(f)(2)(iii): "... unless the Commission determines otherwise for good cause."

*Subsection (g) Telecommunications public utility notice to customers.*

Subsection (g)(2) pertains to notice of pro forma transfers of a customer base. It differs from similar provisions pertaining to the transfers of a customer base subject to general rule transactions found at § 63.324(g)(2) in three ways. First, it does not require additional notice to the customer base. Second, a formal protest filed under this subsection *will not* reclassify a pro forma transaction, but a formal protest filed under § 63.324(g)(2) *may* reclassify a general rule transaction. Third, § 63.324(g)(2) addresses the filing of a protest by a statutory advocate, but this subsection does not. We question why there are differences and how these differences adequately protect the public. As noted in our first comment on Subsection (f) of this section, we believe the public interest would be best protected if the requirements for pro forma transactions mirrored the requirements of general rule transactions.

Subsection (g)(2)(iii) references "§ 5.14 of the Commission rules of practice and procedure." 52 Pa. Code § 5.14 is titled "Applications requiring notice." The Commission should review the cross reference to § 5.14.

*Subsection (l) Limitations on pro forma transactions.*

Subsection (l)(2) begins with the following sentence: "A pro forma transaction may not operate to permit a telecommunications public utility to abandon a condition of service or rate." We note that this sentence is not included in the corresponding section pertaining to general rule transactions found at § 63.324(l)(2). Is there a reason for this difference?

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 08-1170. Filed for public inspection June 20, 2008, 9:00 a.m.]

## Notice of Filing of Final Rulemaking

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10:30 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or you can obtain a copy from our web site, [www.irc.state.pa.us](http://www.irc.state.pa.us).

### Final-Form

Reg. No.	Agency/Title	Received	Public Meeting
7-401	Environment Quality Board Coal Mine Reclamation Fees and Reclamation of Bond Forfeiture Sites	6/9/08	7/10/08

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 08-1171. Filed for public inspection June 20, 2008, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Gooseberry Realty Corporation; Hearing

#### Appeal of Gooseberry Realty Corporation under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 06-0055(S); Doc. No. UT08-06-004

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and any other relevant procedure provisions of law.

A hearing on the sole issue of the timeliness of the appeal in this case is scheduled for July 11, 2008, at 10 a.m., in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

On or before July 3, 2008, each party must file with the Administrative Hearings Office a prehearing statement which shall contain: (1) names and address of witnesses to be called; and (2) a list of documents to be presented at the hearing.

Both parties shall appear at the scheduled hearing prepared to offer all relevant testimony or other evidence. Each party must bring documents, photographs, drawings, claims, files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party. All exhibits shall be premarked for identification purposes prior to the start of the hearing.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joel Cortes, Human Resources Analyst at (717) 783-2168.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-1172. Filed for public inspection June 20, 2008, 9:00 a.m.]

### **John Hancock Life Insurance Company; Rate Increase Filing for Several LTC Policy Forms; Rate Filing**

John Hancock Life Insurance Company is requesting approval to increase the premium 13% on the following Long-Term Care policy forms: LTC-PA-91, NH-PA-91, LTC-94 PA, LTC-94 PA 2/95, NH-94 PA, NH-94 PA 2/95, LTC-96 PA 9/96, LTC-96 PA 6/98, LTC-98FR PA 6/98, LTC-96CL PA 9/96, LTC-96CL PA 6/98, NH-99 PA 4/99, LTC2000 PA 4/00 and NH-99FR PA 4/99.

A total of 8,809 Pennsylvania residents will be affected by this rate adjustment.

Unless formal administrative action is taken prior to September 4, 2008, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

A copy of the filing is available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@state.pa.us](mailto:jlaverty@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-1173. Filed for public inspection June 20, 2008, 9:00 a.m.]

### **Pennsylvania 2007 Private Passenger Automobile Data Call (Act 6 Data Call); Rate Filing**

Each year, the Insurance Department (Department) conducts routine "Data Calls" to companies licensed to write motor vehicle insurance in the State. Data Calls are used to monitor the auto insurance marketplace and to collect data for statutory reports. On June 13, 2008, the Department forwarded Data Calls to be completed by companies who are licensed to write private passenger automobile insurance in Pennsylvania. Persons will receive only a cover letter by means of the United States Postal Service. The 2007 Data Call letter, instructions and data formats are available on the Department's web site [www.ins.state.pa.us](http://www.ins.state.pa.us).

Companies with Pennsylvania private passenger automobile direct written premium in 2007 are required to complete Parts 1 and 2. Data for more than one insurance company may not be combined into a single submission. This information is to be submitted to the Department no later than October 15, 2008.

Insurance companies with no Pennsylvania private passenger automobile direct written premium in 2007 are required to submit only Part 2. This is to be submitted to the Department no later than October 15, 2008.

Consistent with previous Data Calls, the Department will consider the data submitted as proprietary and handle the data accordingly. See the instructions for additional information regarding the completion of the individual parts.

Submissions and inquiries should be directed to Bojan Zorkic, Insurance Department, Office of Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [bzorkic@state.pa.us](mailto:bzorkic@state.pa.us) or (717) 787-6968.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-1174. Filed for public inspection June 20, 2008, 9:00 a.m.]

### **Per Diem Charges for Financial Examinations; Notice No. 2008-07**

Under the authority contained in section 907 of the Insurance Department Act of 1921 (40 P. S. § 323.7) and under 31 Pa. Code § 12.4 (relating to per diem charges). An updated schedule of per diem charges for financial examinations conducted by the Insurance Department (Department) is adopted.

The new schedule of charges is as follows:

Examiner Trainee	\$293 per day
Actuarial Associate 1	\$293 per day
Actuary 2	\$678 per day
Examiner 1	\$359 per day
Examiner 2	\$461 per day
Examiner 3	\$520 per day
Examination Manager	\$661 per day

As prescribed in 31 Pa. Code § 12.4(c), the Department will calculate and bill per diem charges for financial examination costs in 1/2 hour units.

This schedule is effective July 1, 2008.

This document supersedes the notice published at 37 Pa.B. 2783 (June 16, 2007) and shall remain in effect until a subsequent notice is published in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-1175. Filed for public inspection June 20, 2008, 9:00 a.m.]

### Per Diem Charges for Market Conduct Examinations; Notice No. 2008-06

Under the authority of section 907 of the Insurance Department Act of 1921 (40 P. S. § 323.7) and Pa. Code § 12.4 (relating to per diem charges). An updated schedule of per diem charges for market conduct examinations conducted by the Insurance Department (Department) is adopted.

The new schedule of charges is as follows:

Examiner Trainee	\$265 per day
Examiner 1	\$375 per day
Examiner 2	\$431 per day
Examiner 3	\$446 per day
Examiner Manager	\$600 per day

As prescribed in 31 Pa. Code § 12.4(c), the Department will calculate and bill per diem charges for examination costs in 1/2 hour units.

This schedule is effective July 1, 2008.

This notice supersedes the schedule of per diem charges published at 37 Pa.B. 2783 (June 16, 2007) which prior notice is hereby repealed. These new charges shall remain in effect until a subsequent notice is published in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-1176. Filed for public inspection June 20, 2008, 9:00 a.m.]

### State Farm Fire and Casualty Company; Homeowners; Rate and Rule Revision; Rate Filing

On June 5, 2008, the Insurance Department (Department) received from State Farm Fire and Casualty Company a filing for a rate level and rule change for homeowners insurance.

The company requests an overall 8.0% increase amounting to \$32,172,639 annually, to be effective September 1, 2008, for new business and November 1, 2008, for renewal business.

Unless formal administrative action is taken prior to July 5, 2008, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Michael P. McKenney, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, [mmckenney@state.pa.us](mailto:mmckenney@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-1177. Filed for public inspection June 20, 2008, 9:00 a.m.]

## PATIENT SAFETY AUTHORITY

### Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. § 1303.303), enacted on March 20, 2002, announces a meeting of the Authority's Board on Tuesday, July 22, 2008, at 10:30 a.m. to be held at the Wildwood Conference Center, Harrisburg Area Community College, One HAAC Drive, Harrisburg, PA.

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

MICHAEL C. DOERING,  
*Executive Director*

[Pa.B. Doc. No. 08-1178. Filed for public inspection June 20, 2008, 9:00 a.m.]

## PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY

### Meetings Scheduled and Application Cut-Off Dates

The Fiscal Year 2008 regular meetings and application cut-off dates of the Pennsylvania Infrastructure Investment Authority (PENNVEST) have been scheduled. Meetings of the PENNVEST Board of Directors (Board) will begin at 10:30 a.m. on the stated meeting dates.

<i>Application Cut-Off Dates</i>	<i>Board Meeting Dates</i>	<i>Locations</i>
	July 14, 2008	Governor's Residence
August 28, 2008	October 27, 2008	Dixon Center— Richards Hall
November 17, 2008	January 26, 2009	Governor's Residence
February 16, 2009	April 20, 2009	Dixon Center— Richards Hall
May 18, 2009	TBD	TBD

Persons requiring ADA accommodations at the Board meetings should contact Kathlyn Domitrovich at (717) 783-4493, [kdomitrovi@state.pa.us](mailto:kdomitrovi@state.pa.us).

#### Locations:

Governor's Residence  
2035 North Front Street  
Harrisburg, PA

Dixon University Center  
Richards Hall Recital Room  
2986 North Second Street  
Harrisburg, PA

PAUL K. MARCHETTI,  
*Executive Director*

[Pa.B. Doc. No. 08-1179. Filed for public inspection June 20, 2008, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Default Service Implementation Plan

**P-2008-2044561. Pike County Light and Power Company.** Petition of Pike County Light and Power Company for approval of its Default Service Implementation Plan.

Formal protests, petitions to intervene and answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the petitioner and a copy provided to the Administrative Law Judge, on or before July 7, 2008. The documents filed in support of the petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the petitioner's business address.

*Applicant:* Pike County Light and Power

*Through and By Counsel:* John J. Gallagher, Esquire, Edward G. Lanza, Esquire, Saul Ewing LLP, 2 North 2nd Street, 7th Floor, Harrisburg, PA 17101

**Petition of Pike County Light and Power Company**  
For Approval of Its Default Service Implementation Plan.

### Notice

A prehearing conference on the previously-captioned case will be held as follows:

**Date:** Tuesday, July 15, 2008  
**Time:** 10 a.m.  
**Location:** Room 318  
 Scranton State Office Building  
 100 Lackawanna Avenue  
 Scranton, PA 18503  
**Presiding:** Administrative Law Judge Ember S. Jandebeur  
 Room 317, Scranton State Office Building  
 100 Lackawanna Avenue  
 Scranton, PA 18503  
 (570) 963-4818  
 Fax (570) 963-3310

*Attention:* You may lose your case if you do not take part in this hearing and present facts on the issues raised.

If you intend to file exhibits, 2 copies of all hearing exhibits to be presented into evidence must be submitted to the reporter. An additional copy must be furnished to the presiding officer. A copy must also be provided to each party of record.

The Commission's rules require that all parties, except for those individuals appearing on their own behalf, be represented by counsel. Therefore, you should have an attorney of your choice file an entry of appearance before the scheduled hearing.

If you are a person with a disability, and you wish to attend the hearing, the Commission may be able to make arrangements for your special needs. Call the scheduling office at the Pennsylvania Public Utility Commission at least 2 business days prior to your hearing:

**Scheduling Office:** (717) 787-1399, AT&T Relay Service number for persons who are deaf or hearing-impaired (800) 654-5988

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 08-1180. Filed for public inspection June 20, 2008, 9:00 a.m.]

## Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by July 7, 2008. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

### Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

**A-2008-2037121. Louis S. Yoder** (40 Green Lane, Belleville, Mifflin County, PA 17004)—persons, in paratransit service, from points in the County of Mifflin, to points in Pennsylvania, and return; limited to the transportation of persons whose personal convictions prevent them from owning or operating motor vehicles.

**A-2008-2042180. All Care Ambulette and Car Services, Inc.** (140 Fox Ridge Drive, Nazareth, Northampton County, PA 18064), a corporation of the Commonwealth—to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service from points in the Counties of Northampton and Lehigh, to points in Pennsylvania, and return.

**A-2008-2042250. Gregory S. Miller, t/a All Around Transportation Services** (511 Carnahan Road, Avonmore, Westmoreland County, PA 15618), persons, in limousine service, from points in the Counties of Armstrong, Westmoreland, Indiana and Allegheny, to points in Pennsylvania, and return; excluding service which is under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* William A. Gray, Esquire, Vuono & Gray, LLC, 310 Grant Street, Suite 2310, Pittsburgh, PA 15219.

**A-2008-2041603. Lindsay Transit, LLC** (885 North Easton Road 13A1, Glenside, Montgomery County, PA 19038)—for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in City and County of Philadelphia, to all State and Federal Correctional Institutions located in Pennsylvania, and return.

**A-2008-2043255. Cumberland Goodwill Fire Rescue EMS, Inc.** (P. O. Box 496, Carlisle, Cumberland County, PA 17013)—persons, in paratransit service, from points in the Counties of Cumberland, Dauphin, Franklin, Perry and York, to points in Pennsylvania and return.

**A-2008-2044089. Mont Alto Volunteer Fire Company No. 1** (P. O. Box 327, Mont Alto, Franklin County, PA 17237)—persons, in paratransit service, from points in the Counties of Franklin, Adams, Fulton, Cumberland and Dauphin, to points in Pennsylvania and return.

**Application of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.**

**A-2008-2041586. Capitol Limousine Service, Inc.** (110 Third Street, Suite 200, New Cumberland, Cumberland County, PA 17070), a corporation of the Commonwealth—persons, in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Dauphin, York, Franklin, Perry and Cumberland, to points in Pennsylvania, and return.

**Application of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of household goods by transfer of rights as described under the application.**

**A-2008-2042232. McNaughton Bros., Inc.** (140 Old Route 19 Highway South, Indiana, Indiana County, PA 15701)—household goods in use, which is to be a transfer of all rights authorized under the certificate issued at A-00119133 to McNaughton Latrobe Moving, Inc., subject to the same limitations and conditions.

**Application of the following for approval to begin operating as contract carriers for transportation of persons as described under each application.**

**A-2008-2041152. Safety 1st Transportation, Inc.** (4817 C Street, Philadelphia, Philadelphia County, PA 19120), a corporation of the Commonwealth—contract carrier—persons, for LogistiCare Solutions, LLC, from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 08-1181. Filed for public inspection June 20, 2008, 9:00 a.m.]

### Telecommunications

**A-2008-2044729. Verizon Pennsylvania, Inc. and Crossroads Wireless Holding, LLC.** Joint petition of Verizon Pennsylvania, Inc. and Crossroads Wireless Holding, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Crossroads Wireless Holding, LLC, by its counsel, filed on June 3, 2008, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg,

PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Crossroads Wireless Holding, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 08-1182. Filed for public inspection June 20, 2008, 9:00 a.m.]

## STATE BOARD OF NURSING

**Bureau of Professional and Occupational Affairs v. David A. James, RN; Doc. No. 0390-51-06**

On March 2, 2006, the Commonwealth of Pennsylvania, State of Board of Nursing instituted a formal administrative action against David A. James, alleging that you have violated certain provisions of the Pennsylvania Practical Nurse Licensure Law.

### Notice

If you wish to defend against the allegations in this petition for appropriate relief and preliminary order, or to present evidence on your behalf in mitigation of any penalties which may be imposed upon you or your license, certification, registration, permit or other authorization to practice your profession, the procedures for doing so are set forth in the attached petition for appropriate relief and preliminary order. You have the right to be represented by an attorney in this matter. Although you may represent yourself, you are advised to seek the advice of an attorney. All proceedings are conducted under 2 Pa.C.S. §§ 501—505 and 701—704 (relating to the Administration Agency Law) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practices and Procedures).

You are directed to respond by filing an answer in writing within 20 days of the date of this notice. An original and three copies must be submitted. Also, you must send a separate copy of the answer, and any other pleadings or documents, to the prosecuting attorney named in this document. If you do not file an answer, disciplinary action may be taken against you without a hearing.

Answers and any other pleadings should be filed with:

Kelly I. Diller, Prothonotary  
Bureau of Professional and  
Occupational Affairs  
2601 North Third Street  
Harrisburg, PA 17110

MARY E. BOWEN, R. N., CRNP,  
Chairperson

[Pa.B. Doc. No. 08-1183. Filed for public inspection June 20, 2008, 9:00 a.m.]